No. 02-516

In The Supreme Court of the United States

JAN 16 2003

JENNIFER GRATZ AND PATRICK HAMACHER,

Petitioners,

v.

LEE BOLLINGER, JAMES J. DUDERSTADT, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN,

Respondents,

and

EBONY PATTERSON, *et al.*,

Respondents.

On Writ Of Certiorari Before Judgment To The United States Court Of Appeals For The Sixth Circuit

JOINT APPENDIX

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Petition for Certiorari Filed October 1, 2002
Certiorari Granted December 2, 2002

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RELEVANT DOCKET ENTRIES

U.S. Court of Appeals for the Sixth Circuit

No. 01-102

2/12/01	Permission for Leave to Appeal Docketed. Request filed by Petitioner Lee Bollinger. 1292 petition for permission to appeal. ☐ (blc) [01-102]
2/20/01	Respondent RESPONSE and cross-petition in support of 1292(b) petition. Response from David F. Herr for Respondent Patrick Hamacher, Respondent Jennifer Gratz. Certificate of service date 2/16/01 [01-102] (blc)

* * *

3/26/01	ORDER filed: The petition and cross-petition for permission to appeal are GRANTED [01-102, 01-104]. Boyce F. Martin, Jr., Chief Judge, Martha C. Daughtrey, Karen N. Moore, Circuit Judges. (blc) [01-102 01-104]

* * *

U.S. Court of Appeals for the Sixth Circuit

No. 01-104

2/23/01 Permission for Leave to Appeal Docketed. Request filed by Petitioner Jennifer Gratz, Petitioner Patrick Hamacher. Petition first received on 2/20/01 as part of response to 1292 petition filed in 01-102. ☐ (blc) [01-104]

* * *

3/26/01 ORDER filed: The petition and cross-petition for permission to appeal are GRANTED [01-102, 01-104]. Boyce F. Martin, Jr., Chief Judge, Martha C. Daughtrey, Karen N. Moore, Circuit Judges. (blc) [01-102 01-104]

* * *

U.S. Court of Appeals for the Sixth Circuit

No. 01-1333

3/12/01 Civil Case Docketed, Notice filed by Appellant Jennifer Gratz, Appellant Patrick Hamacher. Transcript needed: y (blc) [01-1333]

3/15/01 Appellee LETTER filed regarding jurisdiction; requests "cross-petitions" be granted. Letter from John H. Pickering for Appellee Univ MI Bd of Regent, Appellee James J. Duderstadt, Appellee Lee Bollinger. Certificate of service date 3/14/01 [01-1333] (blc) [01-1333]

* * *

5/8/01 FIRST PROOF BRIEF filed by Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1333, Kirk O. Kolbo for Appellee Patrick Hamacher, Appellee Jennifer Gratz in 01-1416, Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1418 Certificate of Service date 5/7/01. Number of Pages: 64 (13864). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 01-1418]

* * *

5/14/01 PETITION for en banc hearing filed by Kirk O. Kolbo for Appellants Patrick Hamacher, Jennifer Gratz. Certificate of service date 5/11/01. [01-1333, 01-1416, 01-1418] (blh) [01-1333 01-1416 01-1418]

* * *

6/4/01 ORDER filed placing the petition for hearing en banc in abeyance. [2367428-1] [01-1333,

01-1416 01-1418]. Entered by order of the court. (blh) [01-1333 01-1416 01-1418]

* * *

6/7/01 PROOF BRIEF filed by John Payton for Appellee Univ MI Bd of Regent, Appellee James J. Duderstadt, Appellee Lee Bollinger in 01-1333, 01-1416, 01-1418 Copies: 01. Certificate of Service date 6/6/01. Number of Pages: 60 (13929). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 01-1418]

* * *

6/8/01 PROOF BRIEF field by E. Vincent Warren for Appellee Ebony Patterson in 01-1333, E. Vincent Warren for Appellee Ebony Patterson in 01-1418 Copies: 01. Certificate of Service date 6/6/01. Number of Pages: 33 (8811). [01-1333, 01-1418] (rgf) [01-1333 01-1418]

* * *

6/29/01 PROOF BRIEF filed by Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1333, Kirk O. Kolbo for Appellee Patrick Hamacher, Appellee Jennifer Gratz in 01-1416, Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1418. Certificate of service date 6/27/01. Number of Pages: 57 (12949). [01-1333, 01-1416, 01-1418] (rgf) 01-1333 01-1416 01-1418]

* * *

7/10/01 CERTIFIED RECORD filed. Volumes include 3 Tr; 18 Pl. [01-1333, 01-1416, 01-1418] (jc) [01-1333 01-1416 01-1418]

7/12/01 PROOF BRIEF filed by John Payton for Appellee Univ MI Bd of Regent, Appellee James J. Duderstadt, Appellee Lee Bollinger in 01-1333, 01-1416, 01-1418. Certificate of service date 7/11/01. Number of Pages: 29 (6988). [01-1333, 01-1416, 01-1418] Final fourth brief due 7/30/01 in 01-1333, in 01-1416, in 01-1418. [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 01-1418]

7/19/01 APPENDIX filed by Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1333, Kirk O. Kolbo for Appellee Patrick Hamacher, Appellee Jennifer Gratz in 01-1416, Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1418. Copies: 5 +10 (9 vols.) for en banc hearing. Extra copies received on 10/29/01. Certificate of service date 7/18/01 [01-1333, 01-1416, 01-1418] (ert) [01-1333 01-1416 01-1418]

7/31/01 FINAL BRIEF filed by Theodore M. Shaw for Appellee Citizens Affir, et al. 01-1333, 01-1416, 01-1418. Copies: 07 Certificate of service date 7/30/01. Number of Pages: 34 (8835). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 01-1418]

7/31/01 FINAL BRIEF filed by John Payton for Appellee Univ MI Bd of Regent, Appellee James J. Duderstadt, Appellee Lee Bollinger in 01-1333, 01-1416, 01-1418. Copies: 07 Certificate of service date 7/30/01. Number of Pages: 60 (13922). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 01-1418]

* * *

7/31/01 FINAL BRIEF filed by John Payton for Appellee Univ Mi Bd of Regent, Appellee James J. Duderstadt, Appellee Lee Bollinger in 01-1333, 01-1416, 01-1418. Copies: 07. Certificate of service date 7/30/01. Number of Pages: 29 (6975). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 01-1418]

7/31/01 FINAL BRIEF filed by Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1333, Kirk O. Kolbo for Appellee Patrick Hamacher, Appellee Jennifer Gratz in 01-1416, Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1418 Copies: 07. Certificate of Service date 7/30/01. Number of Pages: 67 (13981). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 0-1418]

* * *

7/31/01 FINAL BRIEF filed by Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1333, Kirk O. Kolbo for Appellee Patrick Hamacher, Appellee Jennifer Gratz in 01-1416, Kirk O. Kolbo for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1418 Copies: 07. Certificate of Service date 7/30/01. Number of Pages: 57 (12934). [01-1333, 01-1416, 01-1418] (rgf) [01-1333 01-1416 0-1418]

8/27/01 Oral argument date set for October 23, 2001 in court room 607. Notice of argument sent to counsel. [01-1333, 01-1416, 01-1418] (rld) [01-1333 01-1416 01-1418]

* * *

10/19/01 ORDER filed granting petition for en banc hearing [2356046-1], [2356062-1], and [2356074-1] filed by Kirk O. Kolbo. Boyce F. Martin, Chief Judge; Danny J. Boggs, Eugene E. Siler, Alice M. Batchelder, Martha C. Daughtrey, Karen N. Moore, R. G. Cole, Eric L. Clay, Ronald L. Gilman, Circuit Judges. (blh) [01-1333 01-1416 01-1418 01-1438 01-1447 01-1516]

* * *

12/6/01 CAUSE ARGUED on 12/6/01 by David F. Herr for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1333, John Payton for Appellee Univ MI Bd of Regent, Appellee James J. Duderstadt, Appellee Lee Bollinger in 01-1333, John Payton for Appellant MI Bd Regents, Appellant James J. Duderstadt, Appellant Lee Bollinger in 01-1416, David F. Herr for Appellee Patrick Hamacher, Appellee Jennifer Gratz in 01-1416, David F. Herr for Appellant Patrick Hamacher, Appellant Jennifer Gratz in 01-1418, John Payton for Appellee MI Bd Regents, Appellee James J. Duderstadt, Appellee Lee Bollinger in 01-1418 before Judges Martin, Boggs, Siler, Batchelder, Daughtrey, Moore, Cole, Clay, Gilman. [01-1333, 01-1416, 01-1418] (me) [01-1333 01-1416 01-1418]

10/23/02 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellant Jennifer Gratz in 01-1333, Appellant Patrick Hamacher in 01-1333, Appellee Jennifer Gratz in 01-1416, Appellee Patrick Hamacher in 01-1416. Appellant Jennifer Gratz in 01-1418, Appellant Patrick Hamacher in 01-1418. Filed

in the Supreme Court on 10-01-02, Supreme Ct. case number: 02-516. [01-1333, 01-1416, 01-1418] (swh) [01-1333 01-1416 01-1418]

10/23/02 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellee Ebony Patterson in 01-1333, Defendant Ebony Patterson in 01-1416, Appellee Ebony Patterson in 01-1418. Filed in the Supreme Court on 10-16-02, Supreme Ct. case number: 02-571. [01-1333, 01-1416, 01-1418] (swh) [01-1333 01-1416 01-1418]

12/5/02 U.S. Supreme Court letter filed granting petition for writ of certiorari limited to Question 1 presented by the petition [2635739-1] filed by Patrick Hamacher, Jennifer Gratz, Patrick Hamacher, Jennifer Gratz, Patrick Hamacher, Jennifer Gratz [01-1333, 01-1416, 01-1418] in 01-1333, 01-1416, 01-1333. Filed in the Supreme Court on 12-02-02. (swh) [01-1333 01-1416 01-1418]

12/6/02 U.S. Supreme Court letter filed denying petition for writ of certiorari [2635796] filed by Ebony Patterson, et al. [01-1333, 01-1416, 01-1418, 01-1438] in 01-1333, 01-1416, 01-1418. Filed in the Supreme Court on 12-02-02. (swh) [01-1333 01-1416 01-1418]

U.S. Court of Appeals for the Sixth Circuit

No. 01-1438

3/30/01 Civil Case Docketed. Notice filed by Appellant Ebony Patterson, Appellant Ruben Martinez, Appellant Laurent Crenshaw, Appellant Karla R. Williams, Appellant Larry Brown, Appellant Tiffany Hall, Appellant Kristen M.J. Harris, Appellant Michael Smith, Appellant Khyla Craine, Appellant Nyah Carmichael, Appellant Shanna Dubose, Appellant Ebony Davis, Appellant Nicole Brewer, Appellant Karla Harlin, Appellant Brian Harris, Appellant Katrina Gipson, Appellant Candice B.N. Reynolds, Appellant Denise Patterson, Appellant Moises Martinez, Appellant Larry Crenshaw, Appellant Harry J. Williams, Appellant Patricia Swan-Brown, Appellant Karen A. McDonald, Appellant Linda A. Harris, Appellant Deanna A. Smith, Appellant Alice Brennan, Appellant Ivy Rene Carmichael, Appellant Sarah L. Dubose, Appellant Inger Davis, Appellant Barbara Dawson, Appellant Roy D. Harlin, Appellant Wyatt G. Harris, Appellant George C. Gipson, Appellant Shawn R. Reynolds, Appellant Citizens Affir, James J. Duderstadt, MI Bd Regents. Transcript needed: y ☐ (blc)

* * *

5/14/01 PETITION for en banc hearing filed by Kirk O. Kolbo for Appellees Patrick Hamacher, Jennifer Gratz. Certificate of service date 5/11/01. [01-1438] (blh)

* * *

6/4/01 ORDER filed placing the petition for hearing en banc in abeyance. [2367450-1] [01-1438] Entered by order of the court. (blh)

* * *

7/10/01 CERTIFIED RECORD filed. Volumes include 3 Tr; 18 Pl. [01-1438] Applied from 01-1333, 01-1416 & 01-1418. (jc)

* * *

10/19/01 ORDER filed granting petition for en banc hearing [2356046-1], [2356062-1], and [2356074-1] filed by Kirk O. Kolbo. Boyce F. Martin, Chief Judge; Danny J. Boggs, Eugene E. Siler, Alice M. Batchelder, Martha C. Daughtrey, Karen N. Moore, R.G. Cole, Eric L. Clay, Ronald L. Gilman, Circuit Judges. (blh)

10/19/01 Date previously set for oral argument is cancelled. [01-1438] (me)

* * *

11/16/01 ORDER filed denying motion to terminate the stay of the district court's injunction filed by Kirk O. Kolbo in 01-1447; oral argument set for 12/6/01 as follows: 01-1333/1416/1418-20 min. appt; 15 min. appe; 5 min. itv; 01-1438 15 min per side; 01-1447/1516 20 min. per side in 01-1333/1416/01-1418, 01-1438/01-1447, 01-1516. Boyce F. Martin Jr., Chief Judge, Danny J. Boggs, Eugene E. Siler, Alice M. Martha C. Daughtrey, Karen N. Moore, R. G. Cole, Eric L. Clay, Ronald L. Gilman, Circuit Judges. (ert)

* * *

12/6/01 CAUSE ARGUED on 12/6/01 by Theodore M. Shaw for Appellant Citizens Affir, Appellant

Shawn R. Reynolds, Appellant George C. Gipson, Appellant Wyatt G. Harris, Appellant Roy D. Harlin, Appellant Barbara Dawson, Appellant Inger Davis, Appellant Sarah L. Dubose, Appellant Ivy Rene Carmichael, Appellant Alice Brennan, Appellant Deanna A. Smith, Appellant Linda A. Harris, Appellant Karen A. McDonald, Appellant Patricia Swan-Brown, Appellant Harry J. Williams, Appellant Larry Crenshaw, Appellant Moises Martinez, Appellant Denise Patterson, Appellant Candice B.N. Reynolds, Appellant Katrina Gipson, Appellant Brian Harris, Appellant Karla Harlin, Appellant Nicole Brewer, Appellant Ebony Davis, Appellant Shanna Dubose, Appellant Nyah Carmichael, Appellant Khyla Craine, Appellant Michael Smith, Appellant Kristen M.J. Harris, Appellant Tiffany Hall, Appellant Larry Brown, Appellant Karla R. Williams, Appellant Laurent Crenshaw, Appellant Ruben Martinez, Appellant Ebony Patterson, David F. Herr for Appellee Patrick Hamacher, Appellee Jennifer Gratz before Judges Martin, Boggs, Siler, Batchelder, Daughtrey, Moore, Cole, Clay, Gilman. [01-1438] (me)

10/23/02 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellee Jennifer Gratz, Appellee Patrick Hamacher. Filed in the Supreme Court on 10-01-02, Supreme Ct. case number: 02-516. [01-1438] (swh)

10/23/02 U.S. Supreme Court notice filed regarding petition for writ of certiorari filed by Appellant Ebony Patterson. Filed in the Supreme Court on 10-16-02, Supreme Ct. case number 02-571. [01-1438] (swh)

12/5/02 U.S. Supreme Court letter filed granting petition for writ of certiorari limited to Question 1 presented by the petition [2635747-1] filed by Patrick Hamacher, Jennifer Gratz [01-1438]. Filed in the Supreme Court on 12-02-02. (swh)

U.S. District Court

for the Eastern District of Michigan (Detroit)

10/14/97 1 COMPLAINT – Receipt # 351144 – Date Fee Received: 10/14/97 (nh) [Entry date 10/16/97]

10/21/97 4 SUMMONS returned executed by process server on 10/14/97 answer due 11/3/97 for Lee Bollinger, for James T. Duderstadt, for Univ MI College Lit, for Univ MI (LS) [Entry date 10/23/97]

* * *

12/3/97 6 ANSWER by defendants Lee Bollinger, James T. Duderstadt and Univ MI to complaint [1-1] with proof of mailing (RH) [Entry date 12/05/97] [Edit date 05/27/99]

12/3/97 6 AFFIRMATIVE defenses by defendants Lee Bollinger, James T. Duderstadt and Univ MI (RH) [Entry date 12/05/97] [Edit date 05/27/99]

* * *

12/22/97 8 DEMAND by plaintiffs for jury trial (dp) [Entry date 01/05/98]

* * *

2/5/98 11 MOTION by Ebony Patterson, Ruben Martinez, Laurent Crenshaw, Karla Williams, Larry Brown, Tiffany Hall, Kristen J. J. Harris, Michael Smith, Khyla Craine, Nyah Carmichael, Shanna Dubose, Nichole Brewer, Ebony Davis, Karlin Harlin, Brian Harris, Katrina Gipson, Candice Reynolds and Citizens for Affirmative Action's Preservation to intervene,

with brief and proposed answer of intervening defendants (RH) [Entry date 02/06/98] [Edit date 01/26/99]

2/5/98 – SCHEDULE by Judge Patrick J. Duggan: status conference set for 2:00 3/31/98 (mo) [Entry date 02/09/98] [Edit date 05/27/99]

2/11/98 12 MOTION (first amended) by Ebony Patterson, Laurent Crenshaw, Karla R. Williams, Tiffany Hall, Kristen M. J. Harris, Michael Smith, Khyla Craine, Nyah Carmichael, Shanna Dubose, Ebony Davis, Nicole Brewer, Karla Harlin, Brian Harris, Katrina Gipson, Candice B. N. Reynolds, Citizens Actions, Ruben Martinez and Larry Brown to intervene with proof of mailing (cv) [Entry date 02/12/98] [Edit date 05/27/99]

* * *

2/24/98 14 RESPONSE by plaintiffs Jennifer Gratz and Patrick Humacher to motion to intervene [12-1] (RH) [Entry date 02/26/98] [Edit date 05/27/99]

2/24/98 15 RESPONSE by defendants to motion to intervene [12-1] with proof of mailing (RH) [Entry date 08/11/98]

3/4/98 16 REPLY by intervening defendants to response to motion to intervene [12-1] with proof of mailing (pd) [Entry date 05/27/99]

* * *

7/7/98 24 MEMORANDUM opinion and order by Judge Patrick J. Duggan denying motion to

intervene by intervening defen [12-1] (dp) [Entry date 07/08/98]

* * *

7/21/98 29 MOTION by intervening defendants for reconsideration of order [24-1] with brief, attachment and proof of mailing (kg) [Entry date 07/22/98]

7/24/98 30 NOTICE by the Court of hearing on motion for reconsideration of order [24-1] by intervening defen [29-1] (RH) [Entry date 08/04/98]

* * *

8/14/98 34 SUPPLEMENTAL memorandum by intervening defendants in support of motion for reconsideration of order [24-1] by intervening defen [29-1] with attachments A-D and proof of mailing (dp) [Entry date 08/17/98]

9/14/98 36 MOTION by Univ MI, James T. Duderstadt, Lee Bollinger for order denying class certification with brief, exhibits and proof of mailing (LS) [Entry date 09/15/98]

* * *

10/13/98 45 MOTION by plaintiffs for class certification, and for bifurcation of liability and damages trials with attachments A-F (LS) [Entry date 10/14/98]

* * *

10/27/98 48 OPINION and order by Judge Patrick J. Duggan denying motion for reconsideration of order [24-1] by intervening defen [29-1] with proof of mailing. (cf) [Entry date 10/30/98]

11/2/98 49 APPEAL by intervening defendants of order [48-1] to USCA – FEE: PAID – Receipt: #370580 (do) [Entry date 11/04/98] [Edit date 05/27/99]

11/2/98 52 REPLY by defendants to response to motion for order denying class certification [36-1] with exhibits A-E and proof of mailing (dh) [Entry date 11/05/98] [Edit date 05/27/99]

11/2/98 52 RESPONSE by defendants to motion for class certification [45-1] and for bifurcation of liability and damages trials [45-2] with exhibits A-E and proof of mailing (dh) [Entry date 11/05/98] [Edit date 05/27/99]

* * *

11/18/98 56 REPLY by plaintiffs Patrick Humacher and Jennifer Gratz to response to motion for class certification [45-1], motion for bifurcation of liability and damages trials by Jennifer Gratz, Patrick Humacher [45-2] with attachments (kg) [Entry date 11/19/98]

11/20/98 57 ACKNOWLEDGEMENT from USCA of receipt of appeal & docket [51-1] – appeal case # 98-2248 (LS) [Entry date 11/24/98]

* * *

12/10/98 – MOTION hearing held on motion for class certification [45-1] and for bifurcation of liability and damages trials [45-2] and motion for order denying class certification [36-1] – disposition: taken under advisement – Judge Patrick J. Duggan – Court Reporter: Marie Metcalf (mo) [Entry date 12/10/98] [Edit date 05/27/99]

* * *

12/23/98 62 ORDER by Judge Patrick J. Duggan granting motion for class certification [45-1] and for bifurcation of liability and damages trials [45-2] and denying motion for order denying class certification [36-1] (lg) [Entry date 12/28/98] [Edit date 05/27/99]

12/23/98 63 MEMORANDUM opinion and order by Judge Patrick J. Duggan, regarding plaintiffs' motion for class certification and bifurcation of liability and damaged trials and defendants' motion for order denying class certification (lg) [Entry date 12/30/98]

* * *

4/1/99 76 ORDER by Judge Patrick J. Duggan, with consent motion, providing that the proper defendants be named and with proof of mailing. (Note: "Board of Regents" added as party text to defendant University of Michigan and terminating defendant, The University of Michigan College of Literature, Arts and Science.) (cf) [Entry date 04/05/99] [Edit date 04/05/99]

4/9/99 77 MOTION by plaintiffs Patrick Humacher and Jennifer Gratz for partial summary judgment on liability with brief (dp) [Entry date 04/12/99]

4/9/99 78 AFFIDAVIT and exhibits filed by plaintiffs Patrick Humacher and Jennifer Gratz in support of motion for partial summary judgment on liability (document 77); volume I (dp) [Entry date 04/12/99] [Edit date 04/12/99]

4/9/99 79 AFFIDAVIT and exhibits filed by plaintiffs Patrick Humacher and Jennifer Gratz in support of motion for partial summary judgment (document 77); volume II (dp) [Entry date 04/12/99]

5/3/99 80 MOTION by defendant's for summary judgment (cm) [Entry date 05/04/99]

5/3/99 81 RESPONSE by defendants to motion for partial summary judgment on liability [77-1] with cross-motion for summary judgment, brief and proof of mailing (cm) [Entry date 05/04/99] [Edit date 05/27/99]

5/3/99 82 APPENDIX by defendants in support of opposition to plaintiffs' motion for partial summary judgment, and memorandum in support of motion for summary judgment by Lee Bollinger, James T. Duderstadt, Univ MI, Univ MI College Lit [80-1] Volume 1: Documents and Materials (cm) [Entry date 05/04/99]

5/3/99 83 APPENDIX by defendants in support of opposition to plaintiffs' motion for partial summary judgment, and memorandum in support of defendants' cross-motion for summary judgment by Lee Bollinger, James T. Duderstadt, Univ MI, Univ MI College Lit [80-1] Volume 2: Deposition Excerpts (CM) [Entry date 05/04/99]

5/3/99 84 APPENDIX by defendants in support of opposition to plaintiffs' motion for partial summary judgment, and motion for summary judgment by Lee Bollinger, James T. Duderstadt, Univ MI, Univ MI College Lit

[80-1] Volume 3: Expert Witness Reports (cm) [Entry date 05/04/99]

* * *

6/1/99 97 MEMORANDUM by plaintiffs in opposition to motion for summary judgment by Lee Bollinger, James T. Duderstadt, Univ MI, Univ MI College Lit [80-1] (dh) [Entry date 06/02/99]

6/1/99 98 NON-CERTIFIED copy of order from USCA granting – appeal case # 98-2248 (dh) [Entry date 06/02/99]

6/1/99 99 AFFIDAVIT of Kirk O. Kolbo and exhibits regarding memorandum in opposition by Jennifer Gratz, Patrick Humacher [97-1] (dh) [Entry date 06/02/99]

* * *

6/7/99 101 NON-CERTIFIED copy of order from USCA granting appellants' motion to stay district court proceedings – appeal case # 98-2248 (dp) [Entry date 06/08/99]

8/13/99 102 SLIP opinion from USCA reversing and remanding the case for further proceedings, etc. – appeal case # 98-2009/2248. (cf) [Entry date 08/17/99]

8/13/99 103 NON-CERTIFIED copy of judgment from USCA reversing and remanding the case for further proceedings, etc. – appeal case # 98-2009/2248. (cf) [Entry date 08/17/99]

* * *

9/8/99 107 NON-CERTIFIED copy of order from USCA granting case – appeal case # 98-2248 (dh) [Entry date 09/09/99]

* * *

9/15/99 109 MANDATE from USCA reversing, remanding and vacating-appeal case # 98-2248 (LS) [Entry date 09/17/99]

* * *

10/12/99 110 ANSWER by intervening defendants Citizens Aff Actions, Candice B. N. Reynolds, Katrina Gipson, Brian Harris, Ebony Davis, Shanna Dubose, Nyah Carmichael, Khyla Craine, Michael Smith, Kristen M. J. Harris, Tiffany Hall, Ruben Martinez, Karla R. Williams, Laurent Crenshaw, Larry Brown, Ebony Patterson, Nicole Brewer and Karla Harlin to complaint [1-1] with proof of mailing proof of mailing (dp) [Entry date 10/14/99]

* * *

2/7/00 119 MOTION by defendants for relief from order regarding class certification and bifurcation in light of subsequent authority with brief and proof of mailing (cm) [Entry date 02/09/00]

* * *

3/9/00 130 REPLY brief by defendants to response to, and in support of, motion for relief from order regarding class certification and bifurcation in light of subsequent authority by James T. Duderstadt, Lee Bollinger and Univ MI [119-1] with proof of mailing (dp) [Entry date 03/13/00]

* * *

5/2/00 144 OPINION and order by Judge Patrick J. Dugan denying motion for relief from order regarding class certification and bifurcation in light of subsequent authority by James T. Duderstadt, Lee Bollinger, Univ MI [119-1] with proof of mailing. [EOD Date: 5/2/00] (cf) [Entry date 05/02/00]

* * *

7/17/00 156 MOTION (renewed) by plaintiffs' Patrick Humacher and Jennifer Gratz renewed motion for partial summary judgment on liability with supplemental memorandum in support of motion, affidavit of Kirk O. Kolbo and exhibits in support of motion. (cf) [Entry date 07/18/00]

* * *

7/17/00 158 MOTION (renewed by defendants Univ MI, James T. Duderstadt, Lee Bollinger renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief with brief and certificate of service via courier. (cf) [Entry date 07/18/00]

7/17/00 159 MOTION (renewed) by defendants Univ MI, James T. Duderstadt, and Lee Bollinger renewed motion for summary judgment on grounds of qualified immunity with brief and certificate of service via courier. (cf) [Entry date 07/18/00]

7/17/00 160 APPENDIX (Volume 1 – documents and materials) by defendants Univ MI, James T. Duderstadt, and Lee Bollinger to motion renewed motion for summary judgment on grounds of qualified immunity by Lee

Bollinger, James T. Duderstadt, Univ Mi [159-1], and motion renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1] (cf) [Entry date 07/18/00] [Edit date 07/18/00]

7/17/00 161 APPENDIX (Volume 2 – deposition excerpts) by defendants Univ MI, James T. Duderstadt, and Lee Bollinger to motion renewed motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt, Univ MI [159-1], and motion renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1]. (cf) [Entry date 07/18/00] [Edit date 07/18/00]

7/17/00 162 APPENDIX (Volume 3 – expert witness reports) by defendants Univ MI, James T. Duderstadt, and Lee Bollinger to motion renewed motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt, Univ MI [159-1], and motion renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1]. (cf) [Entry date 07/18/00]

7/17/00 163 APPENDIX (Volume 4 – court orders and briefs and amici curiae) by defendants Univ MI, James T. Duderstadt, and Lee Bollinger to motion renewed motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt,

Univ MI [159-1], and motion renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1]. (cf) [Entry date 07/18/00]

* * *

7/17/00 165 MOTION by defendants James T. Duderstadt and Lee Bollinger for summary judgment on grounds of qualified immunity with proof of mailing (dp) [Entry date 07/20/00]

* * *

8/11/00 172 RESPONSE by Patrick Humacher, Jennifer Gratz to renewed motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt, Univ MI [159-1], and renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1] with proof of mailing (LS) [Entry date 08/14/00]

8/11/00 172 REPLY by Patrick Humacher, Jennifer Gratz to response and in support of renewed motion for partial summary judgment on liability by Jennifer Gratz, Patrick Humacher [156-1] with proof of mailing (LS) [Entry date 08/14/00]

8/11/00 173 AFFIDAVIT of Kirk O. Kolbo and exhibits submitted in support of plaintiffs memorandum in opposition to defendants two renewed motions for summary judgment and reply memorandum in support of

plaintiffs motion for partial summary judgment with attachments A-F (LS) [Entry date 08/14/00]

* * *

8/11/00 175 RESPONSE in opposition by intervening defendants to renewed motion for partial summary judgment on liability by Jennifer Gratz and Patrick Humacher [156-1] with proof of mailing (approved for filing) (LS) [Entry date 08/14/00]

8/11/00 176 RESPONSE by intervening defendants to renewed motion for summary judgment as to plaintiffs' claims for declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1] with attachment and proof of mailing (LS) [Entry date 08/14/00]

8/11/00 177 APPENDIX by intervening defendants in support of defendant – intervenors opposition ot plaintiffs renewed motion for summary judgment (Volume 1: Expert Witness Reports) (LS) [Entry date 08/14/00]

8/11/00 178 APPENDIX by intervening defendants in support of defendant – intervenors opposition to plaintiffs renewed motion for summary judgment (volume II: Expert Witness Reports) (LS) [Entry date 08/14/00]

8/11/00 179 APPENDIX by intervening defendants in support of defendant – intervenors opposition to plaintiffs renewed motion for summary judgment (volume II-B: Expert Witness Reports) (LS) [Entry date 08/14/00]

8/11/00 180 APPENDIX by intervening defendants in support of defendant-intervenors opposition to plaintiffs renewed motion for summary

judgment (volume III: Expert Witness Report) (LS) [Entry date 08/14/00]

8/11/00 181 APPENDIX by intervening defendants in support of defendant – intervenors opposition to plaintiffs renewed motion for summary judgment (volume IV: Materials and Deposition Excerpts) (LS) [Entry date 08/14/00]

8/11/00 182 MEMORANDUM by defendants in opposition to motion renewed motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt, Univ MI [159-1] with proof of mailing and attachments (1g) [Entry date 08/15/00]

* * *

8/24/00 188 REPLY by plaintiff's to response in opposition to motion renewed motion for partial summary judgment on liability by Jennifer Gratz, Patrick Humacher [156-1] (nh) [Entry date 08/29/00]

* * *

9/1/00 193 SUR-REPLY memorandum by defendant/ intervenor's in opposition to motion renewed motion for partial summary judgment on liability by Gratz, Patrick Humacher [156-1] with proof of mailing (nh) [Entry date 10/05/00]

9/7/00 191 NOTICE by defendant Univ MI of adjourning hearing on motion renewed motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt, Univ MI [159-1]; renewed motion for judgment as to plaintiffs' claims

for injunctive and declaratory relief by Lee Bollinger, James T. Duderstadt, Univ MI [158-1]; motion to strike any testimony or expert opinions (including of William Bowen) based on consideration of the college and beyond database by Jennifer Gratz, Patrick Humacher [157-1]; motion renewed motion for partial summary on liability by Jennifer Gratz, Patrick Humacher [156-1]; motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt [165-1] for 9:30 11/21/00 and adjouning the final pretrial conference (cm) [Entry date 09/08/00]

10/3/00 192 CERTIFIED copy of order from USCA denying petitions for permission to appeal or alternatively for relief in mandamus – appeal case # 00-0107/0109 (also see 97-75928) (dp) [Entry date 10/04/00]

* * *

11/16/00 – MOTION hearing held on motion renewed motion for summary judgment as to plaintiffs' claims for injunctive and declaratory relief by Bollinger, James T. Duderstadt, Univ Mi [158-1], motion renewed motion for partial summary judgment on liability by Jennifer Gratz, Patrick Humacher [156-1] – disposition: taken under advisement – Judge Patrick J. Duggan – Court Reporter: Marie Metcalf (mo) [Entry date 11/16/00]

11/27/00 204 TRANSCRIPT taken on 11/16/00 of motion for partial summary judgment on liability and motion to strike, defendants' renewed motion for summary judgment re injunctive (lg) [Entry date 12/01/00]

* * *

12/13/00 205 JOINT summary of undisputed facts regarding admissions process. (cf) [Entry date 12/20/00]

12/13/00 206 OPINION by Judge Patrick J. Duggan denying renewed motion for summary judgment on grounds of eleventh amendment immunity by Lee Bollinger, James T. Duderstadt, Univ MI [159-1], granting renewed motion for summary judgment with respect to the LSA's admissions programs for 1999 and 2000 by Lee Bollinger, James T. Duderstadt, Univ MI [158-1], granting renewed motion for summary judgment with respect to the LSA's admissions programs in existence from 1995 through 1998, and the admissions programs for such years shall be declared unconstitutional and denying request for injunctive relief by Jennifer Gratz, Patrick Humacher [156-1], and granting motion for summary judgment on grounds of qualified immunity by Lee Bollinger, James T. Duderstadt [165-1] with proof of mailing. [EOD Date: 12/20/00] (cf) [Entry date 12/20/00] [Edit date 12/20/00]

1/30/01 207 ORDER by Judge Patrick J. Duggan granting renewed motion for partial summary judgment on liability by Patrick Humacher, Jennifer Gratz [156-1] in favor of plaintiffs with respect to the LSA's admissions programs in existence from 1995 thrugh 1998 and the admissions programs for such years are hereby declared unconstitutional; and in favor of University defendants with respect to the

LSA's admission programs for 1999 and 2000; denying plaintiffs requests injunctive relief [158-1], denying motion for summary judgment on grounds of qualified immunity by James T. Duderstadt, Lee Bollinger [165-1], granting renewed motion for summary judgment on grounds of qualified by Univ MI, James T. Duderstadt, Lee Bollinger [159-1] and the Board of Regents motion for summary judgment on grounds of Eleventh Amendment immunity is denied (see order for details) with proof of mailing [Date 2/2/01] (LS) [Entry date 02/02/01]

2/9/01 208 ORDER by Judge Patrick J. Duggan, stating that the claims under qualified immunity should be resolved as quickly as possible [EOD Date 2/12/01] (lg) [Entry date 02/12/01]

2/9/01 209 JUDGMENT (ORDER) by Judge Patrick J. Duggan, to dismiss defendants Lee Bollinger and James T. Duderstadt [EOD Date 2/13/01] (lg) [Entry date 02/13/01]

2/26/01 210 OPINION by Judge Patrick J. Duggan regarding defendant-intervenors' argument that the College of Literature, Science and the Arts admissions programs pass constitutional muster as narrowly tailored means of remedying past and current discrimination by the university for later consideration with proof of mailing. An order consistent with this opinion shall issue forthwith. [EOD Date: 2/28/01 (cf) [Entry date 02/28/01]

2/26/01 211 ORDER by Judge Patrick J. Duggan granting motion for summary judgment with respect to defendant-intervenors' claim that the university was justified in using race as a factor in admissions to remedy the present effects of past discrimination by Patrick Humacher, Jennifer Gratz [156-1] and that defendant-intervenors' claim that the university was justified in using race as a factor in admissions to remedy the present effects of past discrimination are dismissed with proof of mailing. [EOD Date 2/28/01] (cf) [Entry date 02/28/01]

2/26/01 212 APPEAL by plaintiffs Patrick Humacher and Jennifer Gratz of orders [209-2] and [207-1] to USCA with affidavit of service – FEE: PAID – Receipt #: 413914 (do) [Entry date 03/02/01]

3/2/01 213 PROOF of mailing of notice of appeal to USCA, all of record and Marie Metcalf (do) [Entry date 03/02/01]

3/2/01 214 CERTIFIED copy of appeal notice by Jennifer Gratz, Humacher [212-1] and docket transmitted to USCA (do) [Entry date 03/02/01]

3/12/01 215 MOTION by intervening defendants for entry of a final judgment pursuant to 54(B) and, in the alternative, to add certification for interlocutory appeal pursuant to 59(E) with brief (dp) [Entry date 03/13/01]

3/13/01 216 PROOF of mailing by intervening defendants of motion for entry of a final judgment pursuant to 54(b) and, in the alternative, 59(e) motion to add a certification for

interlocutory appeal (dp) [Entry date 03/13/01]

3/15/01 217 ACKNOWLEDGEMENT from USCA of receipt of appeal notice by Jennifer Gratz and Patrick Humacher [212-1] – appeal case # 01-1333 (dp) [Entry date 03/16/01]

3/21/01 218 ORDER by Judge Patrick J. Duggan that final judgment is entered with respect to Defendant-Intervenors' claims [EOD Date 3/22/01] (cm) [Entry date 03/22/01]

3/22/01 219 RESPONSE by plaintiffs Patrick Humacher and Jennifer Gratz to motion for entry of a final judgment pursuant to 54(B) [215-1], motion to add certification for interlocutory appeal pursuant to 59(E) [215-2] with proof of mailing (kg) [Entry date 03/23/01]

3/23/01 220 APPEAL by intervening defendants of orders [211-1] and [210-1] to USCA with proof of service – FEE; not paid (do) [Entry date 03/26/01]

3/23/01 – STAYED pending appeal by Judge Patrick J. Duggan (pd) [Entry date 03/27/01]

3/26/01 221 PROOF of mailing of notice of appeal to USCA and counsel of record (do) [Entry date 03/26/01]

3/26/01 222 CERTIFIED copy of appeal notice by intervening defendants [220-1] and docket transmitted to USCA (do) [Entry date 03/26/01]

3/27/01 223 TRANSCRIPT order form by appellants regarding request for transcript(s) appeal case #01-1333 (nh) [Entry date 03/28/01]

4/4/01 224 ORDER from USCA granting the petition and cross-petition for permission to appeal – USCA #01-0102/0104. [EOD Date 4/5/01] (cf) [Entry date 04/05/01]

4/4/01 225 ACKNOWLEDGEMENT from USCA of receipt of appeal notice intervening defen by appellant [220-1] – appeal case # 01-1438. (cf) [Entry date 04/05/01] [Edit date 04/05/01]

4/4/01 226 APPEAL filing fee received from plaintiff Patrick Humacher for appeal notice of appeal & docket [214-1] in the amount of $ 105.00 – Receipt #415896 – appeal case 01-1418 (nh) (Entry date 04/11/01]

4/4/01 227 APPEAL filing fee received from plaintiff Jennifer Gratz for appeal notice of appeal & docket [214-1] in the amount of $ 105.00 – Receipt # 415897 – Appeal case 01-1416 (nh) [Entry date 04/11/01]

* * *

4/12/01 229 APPEAL filing fee received from Natl Assn Adv for appeal notice [220-1] in the amount of $ 105.00 – Receipt # 416306 – appeal case # 01-1438 (jg) [Entry date 04/17/01]

* * *

6/22/01 231 NOTICE by plaintiff Jennifer Gratz of designation of record for appeal (dp) [Entry date 06/26/01]

6/26/01 232 RECORD consisting of: 18 volumes of pleadings and 3 transcripts transmitted to USCA – appeal case # 01-1333 & # 01-1438. (UPS 1Z 467 088 03 1209 636 6, UPS 1Z 467 088 03 1209 637 5, and UPS 1Z 467

088 03 1209 638 4) (cf) [Entry date 06/26/01]

8/2/01 233 ACKNOWLEDGEMENT from USCA of receipt of record – appeal case # 01-1333, 01-1416, 01-1418. (cf) [Entry date 08/03/01]

8/2/01 234 ACKNOWLEDGEMENT from USCA of receipt of record – appeal case # 01-1438. (cf) [Entry date 08/03/01]

10/31/02 235 NOTICE from the US Supreme Court that a petition for writ of certiorari was filed and placed on the docket (kg) [Entry date 10/31/02]

10/31/02 236 NOTICE from the US Supreme Court that a petition for writ of certiorari was filed and placed on the docket (kg) [Entry date 10/31/02]

12/11/02 237 ORDER from the U.S. Supreme Court denying writ of certiorari regarding – appeal case # 01-1333/01-1416/01-1414/01-1438 [EOD Date: 12/16/02] (cm) [Entry date 12/16/02]

12/11/02 238 ORDER from the U.S. Supreme Court of limited grant of writ of certiorari regarding question 1 – appeal case # 01-1333/01-1416/01-1418/01-1438 [EOD Date 12/16/02] (cm) [Entry date 12/16/02

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JENNIFER GRATZ and PATRICK HAMACHER, for themselves and all others similarly situated, Plaintiffs, v. LEE BOLLINGER, JAMES J. DUDERSTADT, THE UNIVERSITY OF MICHIGAN, and THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, ARTS AND SCIENCE, Defendants.	Civil Action #97-75231 PATRICK DUGGAN COMPLAINT CLASS ACTION

Nature of the Action

1. This is a class action brought for violations and threatened violations of the rights of the plaintiffs and the class they represent to equal protection of the laws under the Fourteenth Amendment to the United States Constitution, and for racial discrimination in violation of 42 U.S.C. §§ 1981, 1983 and 2000d *et seq*. Plaintiffs seek declaratory and injunctive relief and compensatory and punitive damages in an amount to be proven at trial.

Jurisdiction and Venue

2. This Court has jurisdiction of the action under 28 U.S.C. §§ 1331 and 1343. This action arises under the Fourteenth Amendment to the United States Constitution,

and under federal laws, 42 U.S.C. §§ 1981, 1983, and 2000d *et seq.*

3. Venue in this court is proper under 28 U.S.C. § 1391 and this Court has personal jurisdiction over the defendants in this matter because the events giving rise to this claim occurred, and will occur, in this district.

Plaintiffs

4. Jennifer Gratz is, and at all times relevant to this litigation was, a resident of the State of Michigan. Gratz applied in 1994 for admission to the University of Michigan College of Literature, Science & Arts (the "LSA College") in Ann Arbor as an undergraduate beginning in the academic year 1995-96. In January 1995, the LSA College placed her on a "wait list" for admission. In April 1995, she was apprised that her application had been rejected. She has attended University of Michigan at Dearborn instead.

5. Patrick Hamacher is, and at all times relevant to this litigation was, a resident of the State of Michigan. Hamacher applied for admission to the LSA College as an undergraduate in 1996. By letter dated November 19, 1996, the LSA College informed him that he had been placed on a "wait list" for admission. Sometime in the spring of 1997, he was apprised that his application had been rejected. He has attended Michigan State University instead, but would transfer to the LSA College if offered an opportunity. He intends to apply to transfer if the discriminatory admissions system described herein is eliminated.

Defendants

6. The University of Michigan is a public educational institution in the State of Michigan. The LSA College is a school under the supervisory authority of the University of Michigan.

7. James Duderstadt was the President of the University of Michigan during the time that Gratz's application was under consideration. He was, at that time, the individual ultimately responsible for the admissions policies described below. He is being sued in his individual capacity.

8. On or around February 1, 1997, Lee Bollinger became the President of the University of Michigan, and was President at the time that Hamacher's application was rejected. He was, at that time, the individual ultimately responsible for the admissions policies described below. He is being sued in both his individual and official capacities. Unless enjoined, he will continue to approve of, and implement, an admissions system substantially the same as the system described below.

Class Action Allegations

9. Gratz and Hamacher bring this class action pursuant to Rules 23(a), 23(b), and 23(c)(4)(A) of the Federal Rules of Civil Procedure on behalf of a class consisting of all students who:

- applied for and were not granted admission to the LSA College for all academic years since 1995-96 through the entry of a judgment in this action; and

- were members of those racial or ethnic groups, including Caucasian, that defendants treated less favorably in considering their applications for admission to the LSA College.

10. Plaintiffs seek to maintain this class, pursuant to Rules 23(b) and 23(c)(4), on the issues of whether defendants engaged in unlawful discrimination and whether defendants should be enjoined from continuing their discriminatory policies.

11. The Class is so numerous that joinder of all its members is impracticable. Defendants receive thousands of applications for admission each year for the LSA College. Plaintiffs do not know addresses or the precise number of rejected applicants, but can ascertain this information from the defendants' records.

12. Common questions of law and fact exist as to all members of the Class and predominate over any questions solely affecting individual members of the Class. Among the questions of law and fact common to the Class are whether defendants violated the Fourteenth Amendment to the United States Constitution, and federal laws, 42 U.S.C. §§ 1981, 1983, and 2000d *et seq.*, by discriminating and by conspiring to discriminate against certain applicants on the basis of race, and whether they will continue to do so.

13. Plaintiffs' claims are typical of the claims of the members of the Class, and they are adequate representatives of the Class. Plaintiffs and members of the Class have sustained damages because of defendants' unlawful activities alleged herein. Plaintiffs have retained counsel

competent and experienced in race discrimination litigation and intend to prosecute this action vigorously. Plaintiffs will fairly and adequately protect the interests of the Class.

14. A class action is superior to other available means for the fair and efficient adjudication of the controversy.

Facts

15. The University of Michigan is a State-run university which also receives federal funds. The LSA College is an educational unit part of, operated by, and responsible to, the University of Michigan. It also receives federal funds.

16. The LSA Admissions Form asks each applicant to disclose his or her race.

17. Each of the plaintiffs identified his or her race by checking the box next to "white."

18. Defendants used the race information provided by plaintiffs and other applicants to determine who would be admitted to the LSA College.

19. Defendants used different admissions standards based on each student's self-identified race. As a result, students from favored racial groups had a significantly greater chance of admission than students with similar credentials from disfavored racial groups.

20. Applicants from disfavored racial groups were not compared directly to applicants from favored racial groups.

21. Plaintiffs, categorized as white, were not among the favored racial groups that benefitted from less stringent admissions standards.

22. Defendants did not merely use race as a "plus" factor or as one of many factors to attain a diverse student body. Rather, race was one of the predominant factors (along with scores on standardized admissions tests and high school grades) used for determining admission.

23. Defendants had no compelling interest to justify their use of race in the admissions process, and were not motivated by either an interest in educational diversity or by a desire to remedy the present effects of any past discrimination.

24. Assuming *arguendo* that defendants had a compelling interest for which they used race in their admissions criteria, defendants did not consider, and never employed, any race neutral alternative to achieve that interest.

25. As a result of defendants' racially discriminatory procedures and practices, plaintiffs' applications were rejected. Each of the plaintiffs suffered humiliation, emotional distress, and pain and suffering as a consequence of his or her application being rejected. Each of the plaintiffs also suffered humiliation, emotional distress, and pain and suffering upon learning that defendants had discriminated against him or her on the basis of race.

26. As a result of defendants' discrimination, Gratz and Hamacher were forced to attend undergraduate institutions that were either less prestigious or more expensive (or both) resulting in higher educational costs and lower future earnings.

27. If not enjoined, the University of Michigan, the LSA College, and Bollinger will continue to use race in selecting students for the LSA College.

FIRST CLAIM

28. Plaintiffs repeat and reallege the allegations and averments of paragraphs 1-27 as if fully set forth herein.

29. Hollinger and Duderstadt acted under color of law to deny plaintiffs equal protection of the laws, and to discriminate on the basis of race, in violation of 42 U.S.C. §§ 1981 and 1983.

30. Bollinger and Duderstadt violated plaintiffs' clear and well-established Constitutional right to receive the same consideration for admissions as applicants of other races.

SECOND CLAIM

31. Plaintiffs repeat and reallege the allegations and averments of paragraphs 1-30 as if fully set forth herein.

32. The University of Michigan and the LSA College are recipients of federal funds. They discriminated against plaintiffs on the basis of their race, color, and/or ethnicity in violation of 42 U.S.C. § 2000d *et seq.*

RELIEF

WHEREFORE, plaintiffs demand judgment:

A. Awarding them compensatory and punitive damages in an amount to be proven at trial;

B. Declaring that defendants violated their rights to nondiscriminatory treatment under the Fourteenth Amendment and 42 U.S.C. §§ 1981, 1983, and 2000d *et seq.*;

C. Enjoining defendants from continuing to discriminate on the basis of race in violation of the Fourteenth Amendment;

D. Requiring the LSA College to offer Hamacher admission as a transfer student;

E. Awarding attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable authority; and

F. Awarding any other relief that is appropriate and just.

Respectfully submitted,

/s/ Patrick J. Wright
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JENNIFER GRATZ and PATRICK HAMACHER, for themselves and all others similarly situated, Plaintiffs, v. LEE BOLLINGER, JAMES J. DUDERSTADT, THE UNIVERSITY OF MICHIGAN, and THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, ARTS AND SCIENCE, Defendants.	Civil Action No. 97-75231 Hon. Patrick J. Duggan Hon. Thomas A. Carlson

ANSWER

Defendants Lee Bollinger, James J. Duderstadt, and the Regents of the University of Michigan hereby answer the Complaint. Defendants treat named defendants "The University of Michigan" and "The University of Michigan College of Literature, Arts and Science" as referring to the "Regents of the University of Michigan," the body corporate with the authority to be sued under law, and respond to the Complaint on that basis. Accordingly, the term "defendants" as used in this Answer refers to Bollinger, Duderstadt and the Regents of the University of Michigan. Defendants would not object to the filing of an Amended Complaint that replaced "The University of Michigan" and "The University of Michigan College of Literature, Arts and Science," which are not proper defendants, with the "Regents of the University of Michigan."

Except as hereinafter expressly admitted, qualified, or otherwise admitted, defendants specifically deny each and every allegation, statement, matter and thing contained in the Complaint. Defendants respond to the numbered allegations in the Complaint on knowledge to themselves and on information and belief as to other matters, as follows:

1. No response is required to the allegations in paragraph 1 of the Complaint, which are the plaintiffs' characterization of their claims.

2. Defendants deny the allegations in paragraph 2 of the Complaint.

3. Defendants admit that, to the extent that the Court has subject-matter jurisdiction, venue is proper in this Court. Defendants deny all of the remaining allegations in paragraph 3 of the Complaint.

4. Defendant the Regents of the University of Michigan states that, on or about January 12, 1995, the University of Michigan-Ann Arbor received an application for freshman admission to the University's College of Literature, Science and the Arts for the fall 1995 term from Jennifer Gratz. On January 19, 1995, the University of Michigan-Ann Arbor sent a letter to Gratz informing her that her application was rejected, but offering her a position on an "extended wait list." Gratz did not respond to the offer, and therefore was not considered further when other students were admitted from the extended wait list. Defendant the Regents of the University of Michigan admits that Gratz was admitted to the University of

Michigan-Dearborn on December 6, 1994, and that she attends the University of Michigan-Dearborn. Defendants Bollinger and Duderstadt lack personal knowledge with respect to Gratz' application. All defendants lack knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 4 of the Complaint.

5. Defendant the Regents of the University of Michigan states that on or about October 23, 1996, the University of Michigan-Ann Arbor received an application for freshman admission to the University's College of Literature, Science and the Arts for the fall 1997 term from Patrick Hamacher. On November 19, 1996, the University of Michigan-Ann Arbor sent a letter to Hamacher informing him that it was delaying decision on his application. On April 14, 1997, the University of Michigan-Ann Arbor sent a letter to Hamacher informing him that his application was rejected, but offering him a position on an "extended wait list." Hamacher did not respond to the offer, and therefore was not considered further when other students were admitted from the extended wait list. Defendants Bollinger and Duderstadt lack personal knowledge with respect to Hamacher's application. Defendants deny that they employ or employed the "discriminatory admissions system" described in the Complaint. All defendants lack knowledge and information sufficient to form a belief as to the truth or falsity of the remaining allegations of paragraph 5 of the Complaint.

6. Defendants admit the allegations in the first sentence of paragraph 6 of the Complaint. Defendants do not understand the second sentence of paragraph 6 of the

Complaint as pleaded, but state that the College of Literature, Science and the Arts is a college of the University of Michigan.

7. Defendants admit the allegations in the first sentence of paragraph 7 of the Complaint. In response to the second sentence, defendants state that during the time that Gratz' application was under consideration, Duderstadt, as president of the University of Michigan, served as the University's chief administrative officer, and had oversight responsibility for the University's admissions policies. Defendants admit that plaintiffs purport to sue Duderstadt in his individual capacity.

8. Defendants admit the first sentence of paragraph 8 of the Complaint, and admit that plaintiffs purport to sue Bollinger in his individual and official capacities. Defendants further state that as president of the University of Michigan, Bollinger is the University's chief administrative officer, and has oversight responsibility for the University's admissions policies. With respect to the last sentence of paragraph 8 of the Complaint, defendants state that the Complaint inaccurately describes the University of Michigan's admissions process, and therefore that no response is required. To the extent that a response is deemed necessary, defendants the Regents of the University of Michigan and Bollinger state that they do have a current intention to continue using race as one of many factors considered in admissions, and deny the remaining allegations of the last sentence of paragraph 8 of the complaint. To the extent that a response is deemed necessary, defendant Duderstadt lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the last sentence of paragraph 8 of the Complaint.

9. Defendants admit that plaintiffs purport to bring this action as a class action. No response is necessary to the plaintiffs' characterization of their claims in the remainder of paragraph 9 of the Complaint.

10. Defendants admit that plaintiffs seek to maintain a class. No response is necessary to the plaintiffs' characterization of their claims in the remainder of paragraph 10 of the Complaint.

11. Defendants admit that the University of Michigan receives thousands of applications each year for freshman admission into the College of Literature, Science and the Arts, and that some of the names and addresses of rejected applicants may be obtained from files maintained by the Office of Undergraduate Admissions. Defendants deny all of the remaining allegations in paragraph 11 of the Complaint.

12. Defendants deny the allegations in paragraph 12 of the Complaint.

13. Defendants deny the allegations in paragraph 13 of the Complaint, except that defendants lack information or knowledge sufficient to form a belief as to the truth of the allegations regarding the competence and experience of plaintiffs' counsel.

14. Defendants deny the allegations in paragraph 14 of the Complaint.

15. Defendants state that the University of Michigan is an entity created by the Michigan State Constitution. Defendants admit that the University of Michigan, which includes the College of Literature, Science and the Arts, receives federal funds.

16. Defendants admit that the University of Michigan's Application for Undergraduate Admission permits applicants to indicate their race. Defendants deny all of the remaining allegations in paragraph 16 of the Complaint.

17. Defendants state that Gratz identified her race as "white/Caucasian," but lack knowledge or information whether she so indicated on her application for freshman admission. Defendants further state that Hamacher declined to indicate his race on his application, but state on information and belief that Hamacher disclosed, in taking the ACT examination, that his race was "white/Caucasian."

18. Defendants state that the University of Michigan uses race as a factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Defendants deny all of the remaining allegations in paragraph 18 of the Complaint.

19. Defendants state that the University of Michigan applies rigorous admissions standards to all applicants; and that all admitted students are fully qualified to succeed at the University. Defendants further state that the University of Michigan uses race as a factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Defendants deny all of the remaining allegations in paragraph 19 of the Complaint.

20. Defendants deny the allegations in paragraph 20 of the Complaint.

21. Defendants admit that plaintiffs are not members of an underrepresented minority group and that their race was not a factor that enhanced the University of Michigan's consideration of their applications. Defendants deny all of the remaining allegations in paragraph 21 of the Complaint.

22. Defendants state that high school grades in academic courses represent the predominant factor used for determining admission to the University of Michigan, College of Literature, Science and the Arts. Defendants admit that the University of Michigan uses race as a factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Defendants deny all of the remaining allegations of paragraph 22 of the Complaint.

23. Paragraph 23 of the Complaint states a conclusion of law to which no response is necessary. To the extent that a response is deemed necessary, defendants deny the allegations in paragraph 23 of the Complaint.

24. Defendants deny the allegations in paragraph 24 of the Complaint.

25. Defendants deny the allegations in the first sentence of paragraph 25 of the Complaint. Defendants lack knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in paragraph 25 of the Complaint.

26. Defendants deny the allegations in paragraph 26 of the Complaint.

27. Defendants admit that the University of Michigan has a current intention to continue to use race as a

factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Defendants deny all of the remaining allegations in paragraph 27 of the Complaint.

RESPONSE TO PLAINTIFFS' FIRST CLAIM

28. Defendants repeat their responses to the allegations of paragraphs 1-27 of the Complaint as set forth above.

29. Paragraph 29 sets forth a conclusion of law to which no response is required. To the extent a response is required, defendants deny the allegations in paragraph 29 of the Complaint.

30. Paragraph 30 sets forth a conclusion of law to which no response is required. To the extent a response is required, defendants deny the allegations in paragraph 30 of the Complaint.

RESPONSE TO PLAINTIFFS' SECOND CLAIM

31. Defendants repeat their responses to the allegations of paragraphs 1-30 of the Complaint as set forth above.

32. Defendants state that the University of Michigan is an entity created by the Michigan State Constitution. Defendants admit that the University of Michigan, which includes the College of Literature, Science and the Arts, receives federal funds. Defendants deny the remaining allegations in paragraph 32 of the Complaint.

No response is required to the remainder of the Complaint, which sets forth plaintiffs' prayer for relief. To the extent that a response is required, defendants deny the remaining allegations in the Complaint.

AFFIRMATIVE DEFENSES

Defendants assert the following affirmative defenses based on their current knowledge and information.

1. The Complaint fails to state a claim upon which relief may be granted.

2. This Court lacks subject-matter jurisdiction over the Complaint because the plaintiffs lack standing.

3. Defendants Duderstadt and Bollinger did not violate plaintiffs' clearly established rights, and are therefore qualifiedly immune from suit.

4. This Court lacks subject-matter jurisdiction over the Regents of the University of Michigan, and over Bollinger in his official capacity, both of whom are immune from suit in federal court by the doctrine of sovereign immunity.

5. Plaintiffs' claims for injunctive relief are barred by the doctrine of mootness.

6. Plaintiffs have failed to mitigate their damages, if any.

7. Plaintiffs' claims are barred by the doctrine of laches.

8. Plaintiffs have named improper defendants. Defendants would not object to the filing of an Amended Complaint that replaced "The University of Michigan" and "The University of Michigan College of Literature, Arts

and Science," which are not proper defendants, with the "Regents of the University of Michigan."

9. Defendants state that they assert these affirmative defenses based upon information presently available and in order to avoid waiver. Defendants reserve the right to withdraw any of these affirmative defenses or to assert additional affirmative defenses as further information becomes available.

Wherefore, defendants pray for a judgment dismissing the Complaint with prejudice and awarding them the costs and disbursements of this action, together with attorneys' fees, and such additional relief as the Court may deem just and proper.

Respectfully submitted,

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Dated: December 3, 1997

[Certificate Of Service Omitted In Printing]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER GRATZ and PATRICK HAMACHER, for themselves and all others similarly situated,

Plaintiffs,

v.

LEE BOLLINGER, JAMES J. DUDERSTADT, THE UNIVERSITY OF MICHIGAN, and THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, ARTS, AND SCIENCE,

Defendants.

CASE NO.: 97-CV-75231-DT
HON. PATRICK J. DUGGAN

ORDER

At a session of said Court, held in the U.S. District Courthouse, City of Detroit, County of Wayne, State of Michigan, on ___. DEC 23 1998

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

For the reasons set forth in an Opinion issued this date,

IT IS ORDERED, ADJUDGED, and **DECREED** that defendants' motion for an order denying class certification is **DENIED**;

IT IS FURTHER ORDERED, ADJUDGED, and **DECREED** that plaintiffs' motion for class certification is **GRANTED** as follows:

Pursuant to Fed. R. Civ. P. 23(b)(2), the Court certifies the following class, represented by Patrick Hamacher, on the issue of liability:

> Those individuals who applied for and were not granted admission to the College of Literature, Science & the Arts of the University of Michigan for all academic years from 1995 forward and who are members of those racial or ethnic groups, including Caucasian, that defendants treat less favorably on the basis of race in considering their application for admission.

IT IS FURTHER ORDERED, ADJUDGED, and **DECREED** that plaintiffs' motion to bifurcate the trial into a liability and damage phase is **GRANTED**.

/s/ Patrick J. Duggan
PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER GRATZ and PATRICK HAMACHER, for themselves and all others similarly situated,

Plaintiffs,

v.

LEE BOLLINGER, JAMES J. DUDERSTADT, THE UNIVERSITY OF MICHIGAN and THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, ARTS, AND SCIENCE,

Defendants. /

CASE NO.: 97-CV-75231-DT

HON. PATRICK J. DUGGAN

OPINION

This matter is currently before the Court on plaintiffs' motion for class certification and bifurcation of liability and damage trials and defendants' motion for order denying class certification. Plaintiffs seek class certification from this Court pursuant to FED. R. CIV. P. 23(b)(1)(B) and 23(b)(2) on the issues of whether defendants engaged in unlawful discrimination; whether they should be enjoined from engaging in such discrimination in the future; and on plaintiffs' claim for punitive damages. (Pls.' Br. in Supp. Mot. Class Cert. at 1). Alternatively, plaintiffs seek to maintain a class pursuant to FED. R. CIV. P. 23(b)(3) and 23(c)(4) on the issue of whether defendants engaged in unlawful discrimination and on plaintiffs'

claim for punitive damages. *Id.* Defendants oppose plaintiffs' request for class certification contending that plaintiffs fail to demonstrate why class action is the appropriate vehicle through which to adjudicate the merits of plaintiffs' claims. In addition, plaintiffs also request the Court to order bifurcation of the liability and damage issues. The Court entertained oral argument on the parties' respective motions on December 10, 1998. For the reasons that follow, the Court grants in part, and denies in part, plaintiffs' motion for class certification. The Court denies defendants' motion for an order denying class certification. The Court also grants plaintiffs' motion for bifurcation of the liability and damages aspects of the trial.

Class certification under the Federal Rules of Civil Procedure is governed by FED. R. CIV. P. 23. In order to maintain an action pursuant to Rule 23, a prospective class must satisfy the prerequisites of FED. R. CIV. P. 23(a) which provides:

> **(a) Prerequisites to a Class Action.** One or more members of a class may sue or be sued as representative parties on behalf of all only if (1) the class is so numerous that joinder of all members is impracticable, (2) there are questions of law or fact common to the class, (3) the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class.

"The Supreme Court has required district courts to conduct a 'rigorous analysis' into whether the prerequisites of Rule 23 are met before certifying a class." *In Re Am. Med. Sys., Inc.*, 75 F.3d 1069, 1078-79 (6th Cir. 1996) (quoting *General Tel. Co. v. Falcon*, 457 U.S. 147, 161, 102 S. Ct.

2364, 2372, 72 L. Ed. 2d 740 (1982)). Once the class representative has satisfied the prerequisites of Rule 23(a), the representative must then demonstrate "that the class he seeks to represent falls within one of the subcategories of Rule 23(b)." *Senter v. General Motors Corp.*, 532 F.2d 511, 522 (6th Cir. 1976) (citing 3 B. J. Moore, Federal Practice ¶ 23.03 at 23-228 (2d ed. 1974)). "The party seeking class certification bears the burden of proof." *In Re Am. Med.*, 75 F.3d at 1079. The Court will apply the aforementioned criteria to the plaintiffs' request for class certification.

A. Rule 23(a) Prerequisites

1. Numerosity

The first subdivision of Rule 23 requires that the class be "so numerous that joinder of all members is impracticable." FED. R. CIV. P. 23(a)(1). "There is no strict numerical test for determining impracticability of joinder." *In Re Am. Med.*, 75 F.3d at 1079 (citing *Senter*, 532 F.2d at 523 n. 24). "When class size reaches substantial proportions, however, the impracticability requirement is usually satisfied by the numbers alone." *Id.* The potential class is defined as all individuals who:

> (1) applied for and were not granted admission to the College of Literature, Science & the Arts ("LSA") or who in the future intend to apply for admission into the LSA for all academic years from 1995 forward; and

> (2) are members of those racial or ethnic groups, including Caucasian, that Defendants treat less favorably in considering their applications for admission to the Law School.[1]

(Pls.' Br. in Supp. Mot. Class Cert. at 1). Plaintiffs note that "[d]efendants receive thousands of applications for admission each year for a limited number of available spaces." (Pls.' Br. in Supp. Mot. Class Cert. at 5) (citing Dfs.' Ans. at ¶ 11). Joinder of thousands of students who "applied for and were not granted admission" and are members of "racial and ethnic groups, including Caucasian" is impracticable. The Court finds that plaintiffs satisfy the numerosity requirement of Rule 23(a)(1).

2. Common questions of law or fact

"Rule 23(a) simply requires *a* common question of law or fact." *Bittinger v. Tecumseh Prod. Co.*, 123 F.3d 877, 884 (6th Cir. 1997) (citing *Forbush v. J.C. Penney Co.*, 994 F.2d 1101, 1106 (5th Cir. 1993) (emphasis in original)). In this case, each plaintiff seeks a determination from this Court that defendants' admissions policy impermissibly utilizes race as a factor in determining the propriety of admission in violation of 42 U.S.C. §§ 1981 and 1983, and the Equal Protection Clause of the Constitution. The common question over the constitutionality of defendants' admissions policy is sufficient to satisfy Rule 23(a)(2).

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[1] Presumably, counsel for plaintiffs intended to refer to the College of Literature, Science, & the Arts.

3. Typicality of claims or defenses between plaintiffs and class

The third prerequisite to a class action under Rule 23(a) is the requirement that "the claims or defenses of the representative parties are typical of the claims or defenses of the class." FED. R. CIV. P. 23(a). The typicality test "limit[s] the class claims to those fairly encompassed by the named plaintiffs' claims." *In Re Am. Med.*, 75 F.3d at 1082 (citation and quotation omitted).

> Typicality determines whether a sufficient relationship exists between the injury to the named plaintiff and the conduct affecting the class, so that the court may properly attribute a collective nature to the challenged conduct. . . . A necessary consequence of the typicality requirement is that the representative's interests will be aligned with those of the represented group, and in pursuing his own claims, the named plaintiff will also advance the interests of the class members.

Sprague v. General Motors Corp., 133 F.3d 388, 399 (6th Cir.) *cert. denied*, 118 S. Ct. 2312, 141 L. Ed. 2d 170 (1998) (quoting *In Re Am. Med.*, 75 F.3d at 1082) (citing Herbert B Newberg and Alba Conte, 1 *Newberg on Class Actions*, § 3-13, at 3-75, 76 (3d ed. 1992)).

Plaintiffs contend that "typicality" element is met where plaintiffs' claims of unlawful discrimination "arise from defendants' systematic use of race in making admissions decisions that adversely affect all applicants who are not members of the preferred racial groups." (Pls.' Br. in Supp. Mot. Class Cert. at 8-9). In contrast, defendants contend that plaintiffs are unable to meet the typicality requirement because of the nature of the individualized

determinations, exclusive of race, that factor into defendants' admissions decisions. To this end, defendants, maintain that plaintiffs "misconstrue" the defendants' admissions policy by arriving at an inappropriate definition of the proposed class. (Dfs.' Br. in Opp. Class Cert. at 19). Defendants quibble with plaintiffs' employment of the term "treated less favorably." Because defendants evaluate such criteria as a prospectvie student's academic record, standardized test score, essay, residency status, geographical location, alumni relationships, personal achievement, leadership and service, defendants contend that an applicant who possesses any one or more of these factors is "treated more favorably than one who does not." *Id.* Thus, defendants assert that the class sought to be maintained by plaintiffs, is "amorphous" and fails the typicality requirement.

The Court rejects defendants' argument. In order to meet the typicality requirement, plaintiffs must establish that "a significant relationship exists between the injury to the named plaintiff and the conduct affecting the class, so that the court may properly attribute a collective nature to the challenged conduct." *Sprague*, 133 F.3d at 399. Plaintiff Gratz is a Caucasian resident of the state of Michigan who applied for admission into the fall 1995 freshman class. (Pls.' Compl. at ¶ 4). Plaintiff Gratz was placed on a "wait-list" and later denied admission. *Id.* Plaintiff Hamacher is a Caucasian resident of the state of Michigan who applied for admission into the fall 1997 freshman class. (*Id.* at ¶ 5). Plaintiff Hamacher was rejected for admission in the spring of 1997; however, plaintiff Hamacher alleges a desire to attend the University of Michigan if defendants cease application of allegedly discriminatory criteria in admissions.

The challenged conduct in this case is defendants' allegedly improper application of race as a criterion in admissions decisions. The fact that each student is subject to an array of other factors does not defeat plaintiffs' ability to satisfy the typicality requirement. "When it is alleged that the same unlawful conduct was directed at or affected both the named plaintiff and the class sought to be represented, the typicality requirement is usually satisfied, irrespective of varying fact patterns which underlie individual claims." *Smith v. University of Wash. Law School*, 2 F. Supp. 2d 1324, 1342 (W.D. Wash. 1998) (citing *Newberg* § 3.13 at 3-77 and Supp.; *Raboidoux v. Celani*, 987 F.2d 931, 936 (2d Cir. 1993)).

To the extent that race is a factor in each admissions decision by defendants, "a sufficient relationship exists between the injury to the named plaintiff and the conduct affecting the class" sufficient to entitle plaintiffs to maintain the class. *See Sprague*, 133 F.3d at 399. "In cases alleging racial, ethnic, or sex discriminated against them in the same general fashion as against the other members of the class." *Smith*, 2 F. Supp. 2d at 1342 (citing *Rossini v. Ogilvy & Mather, Inc.*, 798 F.2d 590, 598 (2d Cir. 1986)). The lead plaintiffs allege that defendants discriminated against them in the same manner by subjecting Caucasian applicants to differing admissions criteria than that applicable to members of a minority group. In this regard, plaintiffs' claims are representative of those of the named class in that their claims arise out of the same alleged discriminatory conduct. Accordingly, the typicality requirement of Rule 23(a) is satisfied in this case.

4. Adequacy of Representation.

The Sixth Circuit requires satisfaction of two factors in order establish adequacy of representation: 1) the representative will vigorously prosecute the interests of the class through qualified counsel; and 2) the representative must have common interests with unnamed members of the class. *Senter*, 532 F.2d at 525 (citing *Gonzales v. Cassidy*, 474 F.2d 67, 73 (6th Cir. 1973)).

> In making the determination of adequacy of representation the district court should consider the experience and ability of counsel for the plaintiffs and whether there is any antagonism between the interests of the plaintiffs and other members of the class they seek to represent.

Cross v. National Trust Life Ins. Co., 553 F.2d 1026, 1031 (6th Cir. 1977).

The record of this case contains the affidavits of counsel for plaintiffs delineating their respective qualifications to serve as counsel for the class of plaintiffs. This Court finds plaintiffs' counsel to be qualified to prosecute the instant action on behalf of the class. Accordingly, the first prong on the adequacy of representation analysis is met.

With respect to the second element, the Court finds the record utterly devoid of the presence of any evidence tending to show antagonism between the interests of plaintiffs Gratz and Hamacher, and the members of the class which they seek to represent. In fact, the Court has already determined that plaintiffs share a common interest in litigating the constitutionality of the consideration of race as an admissions preference. Therefore, plaintiffs have met the adequacy of representation element of Rule 23(a).

B. Certification

Having determined that plaintiffs satisfy the prerequisites contained in FED. R. CIV. P. 23(a), the Court will now turn to an analysis of the issue of certification under subsection (b) of Rule 23. Plaintiffs seek to certify a class comprised of the following individuals:

[A]ll individuals who:

> (1) applied for and were not granted admission to LSA or who in the future intend to apply for admission into the LSA for all academic years from 1995 forward; and
>
> (2) are members of those racial or ethnic groups, including Caucasian, that defendants treat less favorably in considering their applications for admission. . . .

(Pls. Br. in Supp. Mot. Class Cert. at I).

1. Rule 23(b)(2) Certification

Plaintiffs initially seek to certify this class pursuant to FED. R. CIV. P. 23(b)(2),which provides:

> (b) Class Actions Maintainable. An action may be maintained as a class action if the prerequisites of subdivision (a) are satisfied, and in addition:
>
> * * *
>
> (2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

In support of certification under Rule 23(b)(2), plaintiffs note that defendants:

> discriminate in a categorical manner on the basis of racial identity, and plaintiff Hamacher seeks both declaratory and injunctive relief from defendants' unlawful practices. Plaintiff Hamacher still desires to attend the LSA and would apply to transfer if defendants ceased their discriminatory practices.

(Pls.' Br. in Supp. Mot. Class Cert. at 10). Thus, plaintiffs' assert that in light of defendants' across the board alleged discrimination in admissions criteria, plaintiffs are entitled to certification under Rule 23(b)(2).

Defendants launch a tripartite attack on plaintiffs' maintenance of a class action pursuant to Rule 23(b)(2). First defendants contend that plaintiff Hamacher lacks standing to represent a class seeking declaratory and injunctive relief. Second, defendants argue that plaintiffs cannot establish that injunctive relief predominates over plaintiffs' claims for money damages, a necessary condition to Rule 23(b) class status. Third, defendants, relying on the Sixth Circuit's holding in *Craft v. Memphis Light, Gas & Water Div.*, 534 F.2d 684, 686 (6th Cir. 1976), contend that the class action vehicle is unnecessary "when the nature of the relief requested would automatically inure to the putative members." (Dfs.' Br. in Opp. Mot. Class Cert. at 6). According to defendants, if plaintiff Hamacher were to prevail on the merits of his claim and obtain a declaratory ruling that race was an impermissible factor in admissions, a benefit would immediately inure to the putative class members in the absence of class certification.

Defendants claim that plaintiff Hamacher lacks standing because he "suffers no threat of imminent future injury. . . . " (Dfs.' Br. in Opp. Mot. Class Cert. at 21). According to defendants, Hamacher's undergraduate performance to date at Michigan State University precludes his ability to transfer to the University of Michigan.[2] In addition, defendants argue that because plaintiff Hamacher has not applied to transfer, he has no present intent to do so, and thus suffers no imminent risk of future injury sufficient to support standing to entitle him to injunctive relief. Defendants cite the Court to that portion of Hamacher's deposition testimony in which he addresses his intentions with respect to transfer to the University of Michigan.

Q: Have you applied to transfer to the University of Michigan at Ann Arbor?

A: No, I haven't.

Q: Do you intend to apply to transfer?

A: Yes, I do.

Q: When?

A: Hopefully when the policy is changed. And I'm going to get my grades up and apply to transfer.

Q: Do you have an understanding that your grades aren't up high enough now to apply to transfer?

A: I'm going to get them up and apply to transfer.

[2] According to defendants, Hamacher would need to achieve a 3.0 grade point average to attempt to transfer to the University of Michigan.

(Hamacher Dep. at 125-26). According to defendants, the aforementioned testimony establishes that Hamacher lacks the present intent to transfer to University of Michigan and bars his ability to represent a Rule 23(b)(2) class seeking injunctive and declaratory relief.

Defendants rely upon *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983) and *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992) for the proposition that plaintiff Hamacher lacks the requisite capacity and intent to transfer and hence, lacks standing. In *Lyons*, a plaintiff pursued a civil rights claim against the city of Los Angeles arising out of the police department's use of a chokehold in effectuating an arrest. The Supreme Court held that plaintiff lacked standing to obtain an injunction because "[t]he equitable remedy is unavailable absent a showing of irreparable injury, a requirement that cannot be met where there is no showing of any real or immediate irreparable injury." *Lyons*, 461 U.S. at 111. In *Lujan*, environmental groups challenged limitations on the scope of regulations designed to require consultation with the Secretaries of the Interior and Commerce before any federal agency action that may detrimentally affect an endangered species. The nature of the environmental groups claimed injury was "that the lack of consultation with respect to certain funded activities abroad 'increases the rate of extinction of endangered and threatened species.'" *Lujan*, 504 U.S. at 562 (citation omitted). The Supreme Court determined that plaintiffs' professed intentions to return to the habitats of endangered species abroad were insufficiently concrete to establish standing. "Such "some day" intentions – without any description of concrete plans, or indeed even any specification of *when* the some day will be – do not support a

finding of the "actual or imminent" injury that our cases require." *Lujan*, 504 U.S. at 564 (emphasis in original).

Plaintiff Hamacher's claim is not barred by the reasoning of *Lyons* and *Lujan*. The essence of Hamacher's claim challenges the University's practice of applying allegedly discriminatory criteria in admissions decisions. Arguably, plaintiff Hamacher has standing to seek money damages for the injury he allegedly suffered when he was denied the opportunity to compete on an equal footing for available spaces in the fall 1997 class at the University of Michigan. *See Northeastern Fla. Chapter of the Associate Gen. Contractors of Am. v. City of Jacksonville, Fla.*, 508 U.S. 656, 666 (1993) ("The "injury in fact" in an equal protection case of this variety is the denial of equal treatment resulting from the imposition of the barrier, not the ultimate inability to obtain the benefit."); *see also Regents of the Univ. of Cal. v. Bakke*, 438 U.S. 265, 280-81 (1978) ("[E]ven if Bakke had been unable to prove that he would have been admitted in the absence of the special program, it would not follow that he lacked standing.")

With respect to plaintiff Hamacher's injunctive relief claim, Hamacher has expressed his intention to apply to transfer to the University of Michigan upon its cessation of alleged discriminatory practices in admissions. In this regard, Hamacher's intention does not mirror those intentions which the Supreme Court found to be sufficient in *Lujan*. In *Lujan*, the Supreme Court was faced with affidavits from plaintiffs indicating their "intent" to someday return to the habitats of endangered species. In contrast, plaintiff Hamacher claims that he will reapply for admission when his application is considered on an equal basis with those applications of other minority

applicants. To the extent that plaintiff Hamacher reapplies to the University of Michigan, he will again face the same "harm" in that race will continue to be a factor in admissions. In this Court's opinion, Hamacher's present grades are not a factor to be considered at this time. The relevant inquiry with respect to Hamacher's standing for injunctive relief is that he intends to transfer to the University of Michigan when defendants cease the use of race as an admissions preference. Accordingly, the Court rejects defendants' argument that plaintiff Hamacher lacks standing to maintain the class pursuant to FED. R. CIV. P. 23(b)(2).

Plaintiff Hamacher's claim is appropriate for class treatment pursuant to Rule 23(b)(2). It is undisputed that defendants' have systematically attributed a racial preference in admissions decisions with respect to non-minority students. Plaintiff is primarily seeking a declaration from this Court that such a policy is unconstitutional because it violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution, and an injunction to prohibit defendants' continued utilization of such a policy. "It is a singular policy and practice of racial discrimination pervasively applied on a classwide basis that plaintiff challenges in this lawsuit." (Pls.' Rep. Br. in Supp. Mot. Class Cert. at 2). Defendants have thus "acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief." FED. R. CIV. P. 23(b)(2).

While it is true, that in addition to the declaratory and injunctive relief sought by plaintiffs, Hamacher and his proposed class intend to seek compensatory and punitive damage, certification under Rule 23(b)(2) is appropriate. "So long as the predominant purpose of the

suit is for injunctive relief, the fact that a claim for damages is also included does not vitiate the applicability of 23(b)(2)." *Jones v. Diamond*, 519 F.2d 1090, 1100 n. 17 (5th Cir. 1975); *see also Kurezi v. Eli Lilly & Co.*, 160 F.R.D. 667, 680 (N.D. Ohio 1995). As plaintiffs note in their brief, if necessary, the individual determinations with respect to damages will ultimately be made in a separate proceeding from this Court's decision on the issue of whether injunctive and declaratory relief is appropriate on the issue of defendants' liability. At the appropriate time, the Court may, if necessary, certify subclasses pursuant to Rule 23.

Moreover, the Court rejects defendants' claim that the doctrine of necessity bars plaintiffs' maintenance of the class pursuant to Rule 23(b)(2). In *Craft, supra*, the Sixth Circuit barred a plaintiffs' class action challenging the constitutionality of a municipal utility's policies pertaining to termination of utility service on the grounds that declaratory and injunctive relief, is granted, would "accrue to the benefit of others similarly situated" and, consequently . . . "no useful purpose would be served by permitting this case to proceed as a class action. . . . " *Craft*, 534 F.2d 684 (6th Cir. 1976). In contrast to *Craft*, the Court believes that a class action serves a useful purpose in the instant case because plaintiff Hamacher's claims are particularly susceptible to problems of mootness. "Certification of a class under Rule 23(b)(2) is 'especially appropriate where, as here, the claims of the members of the class may become moot as the case progresses.'" *Johnson v. City of Opelousas*, 658 F.2d 1065, 1070 (5th Cir. 1981); *see also Penland v. Warren County Jail*, 797 F.2d 332 (6th Cir. 1986) (reversing a district court's denial of class

certification and criticizing the court's application of the doctrine of necessity).

Defendants acknowledge the potential mootness problems stating that "the passage of time might render Hamacher's claim for injunctive relief moot." (Dfs.' Br. in Opp. to Class Cert. at 9). As the course of the litigation may consume a significant period of time, the claims of the individual students run the risk of becoming moot. The class action vehicle thus provides a mechanism for ensuring that a justiciable claim is before the Court. Accordingly, the Court declines to apply the doctrine of necessity to bar plaintiffs' claims.

2. Rule 23(b)(1)(B)

> Plaintiffs also seek to maintain a class pursuant to Rule 23(b)(1)(B) which provides:
>
> (1) the prosecution of separate actions by or against individual members of the class would create a risk of
>
> (B) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests. . . .

Rule 23(b)(1)(B) class certification is frequently employed by courts where a large class of plaintiffs seek recovery from a limited fund. *See In re Jackson Lockdown/MCO Cases*, 107 F.R.D. 703, 711-12 (E.D. Mich. 1985). The claims presented in the present lawsuit do not hinge upon recovery from a limited fund. Accordingly, class certification under Rule 23(b)(1)(B) is denied.

3. Rule 23(b)(3)

As an alternative, plaintiffs seek certification under Rule 23(b)(3). However, as previously noted in this opinion, this Court will certify the class pursuant to FED. R. CIV. P. 23(b)(2). Accordingly, the Court will not entertain plaintiffs' request for Rule 23(b)(3) certification.

4. Plaintiffs' Class Certification for Damages

In addition to plaintiffs' request for certification on the discrimination issue pursuant to Rule 23(b)(2), plaintiffs also request certification on the claim for punitive damages. Plaintiffs state that at the present time they are not seeking class certification on individual damage issues. The Court notes that in the event of a finding of liability, the Court will be faced with not only determining a punitive damage award, but individual damage determinations as well. Thus, at this time, the Court declines to certify the class for a damage award, either compensatory or punitive, until such time as liability is determined in this action.

5. Conclusion

The Court will certify a class, pursuant to FED. R. CIV. P. 23(b)(2), on the issue of liability; whether defendants' use of race as a factor in admissions decisions violates the Equal Protection Clause of the Fourteenth Amendment to the Constitution. The class will be represented by Mr. Hamacher and will consist of those individuals who applied for and were not granted admission to the College of Literature, Science & the Arts of the University of Michigan for all academic years from 1995 forward and who are members of those racial or ethnic

groups, including Caucasian, that defendants treat less favorably on the basis of race in considering their application for admission.[3] The claims of the class are limited to injunctive and declaratory relief. The Court will not consider claims for damages at this time.

C. Plaintiffs' Motion to Bifurcate the Trial

Plaintiffs' request that the Court bifurcate the trial into a liability and damage phase. The Court grants plaintiffs' request to bifurcate the trial. The issue of defendants' liability for plaintiffs' claims will be tried first. If the court enters a finding that defendants' admissions policy is unconstitutional, the Court will then make a determination as to how to proceed with the damage phase of the trial.

An order consistent with this opinion shall issue forthwith.

/s/ Patrick J. Duggan
PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Kirk O. Kolbo, Esq.
Kerry L. Morgan, Esq.
Michael E. Rosman, Esq.
John Payton, Esq.
Leonard M. Niehoff, Esq.

Dec. 23, 1998

[3] Plaintiffs do not seek to have plaintiff Gratz represent a class certified pursuant to FED. R. CIV. P. 23(b)(2).

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JENNIFER GRATZ, et al., Plaintiffs, v. LEE BOLLINGER, et al., Defendants.	Civil Action No. 97-75231 Hon. Patrick J. Duggan Hon. Thomas A. Carlson

ORDER PROVIDING THAT THE PROPER DEFENDANTS BE NAMED

By agreement of the parties and for good cause shown, it is hereby ORDERED that the defendants herein are: Lee Bollinger, James J. Duderstadt, and the Board of Regents of the University of Michigan. It is FURTHER ORDERED that caption in this matter be amended accordingly, and the amendment and the claims stated in the amended pleading against the Board of Regents shall relate back to the date of the original pleading pursuant to Federal Rule of Civil Procedure 15(c).

So ORDERED, this ___ day of APR 01 1999, 1999

/s/ PATRICK J. DUGGAN
Hon. Patrick J. Duggan

The Exhibits on the following pages were entered in the

United States District Court for the
Eastern District of Michigan (Detroit)

[Caption Omitted In Printing]

THE UNIVERSITY OF MICHIGAN

Office of
Undergraduate
Admissions

January 19, 1995

Ms. Jennifer D. Gratz
12757 Chestnut
Southgate, MI 48195

Dear Ms. Gratz:

One of my most difficult tasks as Director is letting well qualified students like you know that we have delayed our final decision on your admission until our second review in early to mid-April.

During our initial review of your application we evaluated your high school grades and courses, your SAT I or ACT scores, and all information you provided about your extracurricular and personal accomplishments. As a result of this preliminary evaluation, your application was classified as "well qualified, but less competitive than the students who have been admitted on first review". The question that most students ask after receiving this letter is; what happens next? So that you have a better understanding of our admissions process for students in your situation, here is what you can expect:

1. You may submit scores from additional SAT I or ACT exams you take through the December test dates.

2. Your application will remain active and will be reviewed again in early to mid-April.

3. During the April review, the best qualified students from the delayed group will be admitted to fill the remaining available spaces. Typically, several hundred students are selected in this review.

4. You need do nothing further except continue to work diligently in all your classes.

You have our best wishes for an enjoyable and successful senior year.

Sincerely,

/s/ Theodore L. Spencer
Theodore L. Spencer
Director

DD

THE UNIVERSITY OF MICHIGAN

Office of
Undergraduate
Admissions

April 24, 1995

Ms. Jennifer D. Gratz
12757 Chestnut
Southgate, MI 48195

Dear Ms. Gratz:

In the initial review of your application for admission, we notified you that a final decision would be made in mid-April when we were able to determine if additional spaces would be available. All of the applications have now been reviewed and I regret to inform you we are unable to offer you admission. This decision is not a reflection of your academic achievement, but rather a result of the large number of highly qualified applicants which far exceeded the available spaces for the entering Class of 1995.

There may be a possibility that space will be available for a few students after the enrollment deposit deadline of May 1 has passed. Should this happen, we will admit students to fill those spaces. We invite you to place your name on this extended waiting list by completing and returning the enclosed form before May 10. Selection will be based on the best overall qualifications. All students who return the Extended Waiting List form will hear from us by the end of June. However, we expect to take very few students from the Extended Waiting List, and recommend students make alternative plans to attend another institution.

Your interest in the University of Michigan is deeply appreciated. Knowing that there are many fine colleges and universities in the country, we are confident you will select one which will meet your educational expectations. However, should your interest in graduating from the University of Michigan continue, we encourage you to apply for admission as a transfer student. Students with junior standing are given preference in our transfer admission process.

You have our best and sincere wishes for success as you enter the post secondary years of your education.

Sincerely,

/s/ Theodore L. Spencer
Theodore L. Spencer
Director

R/EWLO

THE UNIVERSITY OF MICHIGAN

Office of
Undergraduate
Admissions

November 19, 1996

Mr. Patrick H. Hamacher
2428 Norbert Street
Flint, MI 48504

Dear Mr. Hamacher:

Thank you for the interest in the University of Michigan. After careful consideration and review, we are unable to take final action on your application and must postpone our decision until mid-April for Fall 1997.

We expect to receive nearly 20,000 applications from first year applicants for a class of about 5,000. This requires us to use a very selective process to manage our enrollment. Therefore, we offer admission to those candidates with the strongest overall qualifications on the initial review. Although your academic credentials are in the qualified range, they are not at the level needed for first review admission to the College of Literature, Science, and The Arts.

We will reevaluate your application in mid-March and notify you in writing of a final decision by mid-April. We will not know how many postponed candidates we will be able to admit, nor the specific probability of your admission, until we evaluate all of the applications that arrive by our equal consideration date of February 1. In previous years, we have always been able to admit a number of

postponed candidates, however, this varies from year to year. Please refer to the enclosed "Questions and Answers About the Postponed Process" for more information.

We certainly hope your interest in Michigan remains strong, however, we also encourage you to explore other educational options. You have our best wishes for an enjoyable and successful senior year.

Sincerely,

/s/ Theodore L. Spencer
Theodore L. Spencer
Director

PF

THE UNIVERSITY OF MICHIGAN

Office of
Undergraduate
Admissions

MEMORANDUM

TO: Lester Monts

FROM: Ted Spencer

RE: Request for Minority Admission Policy

DATE: October 4, 1995

Lester, here is some information we have put together for you regarding Shirley McFee's request. I hope this helps you explain the University position and how it relates to our office. Please let me know if you need any more information.

ADMISSION POLICY FOR MINORITY STUDENTS

The Undergraduate Admissions Office has been formally charged to recruit and enroll a diverse student body that reflects the population of our state and national constituents. Emphasis on the recruitment of underrepresented groups was established in the early 70's under affirmative action goals subscribed to by the University. It was readdressed by the Michigan Mandate which clearly reaffirmed the principles and goals of the greater University. A significant part of the mandate is the "recruitment and enrollment of students from underrepresented groups, ie. Black, Hispanic and Native American."

The process of recruitment and application review are both well defined by the Admissions Office. The many programs directly tied to recruitment are reviewed and evaluated annually. Modifications are made to ensue the effectiveness of the programs. The same is true regarding the selecting and implementation of guidelines used for reviewing minority applicants.

To understand the process and procedures used to recruit and review applicants is simplified by separating the two functions. The following summarizes our efforts in the process of application review and effectiveness in minority recruitment programs.

Application Review

Our responsibility in evaluating minority students is to determine whether they have the ability to successfully complete the undergraduate degree program offered in the college or school they are admitted to. Many factors and procedures are used in the evaluation which are not unlike those used in the review of majority students. The significant difference is minority guidelines are set to admit all students who qualify and meet the standards set by the unit liaison with each academic unit, while majority guidelines are set to manager the number of admissions granted to satisfy the various targets set by the colleges and schools.

Criteria for all groups generally include: high school grades, standardized test scores, curriculum, competitiveness of the high school, high school counselors recommendation, essay and student extracurricular activities. It can also include an art portfolio, interview or audition depending on the program they wish to enroll in.

The use of affirmative action in the admission process is best understood by recognizing the fact that students admitted under the guidelines are academically qualified to successfully complete Michigan degree requirements. Thus, the significant difference between our evaluation of underrepresented minority applicants and majority students is the difference between meeting qualifications to predict graduation rather than selecting qualified students one over another due to the large volume of the applicant pool.

This process does advantage underrepresented groups as well as student-athletes, applicants with certain alumni ties, and artistically and musically gifted students who also are given special consideration. The University recognizes the significant contribution that these groups of students make in enriching the entire campus experience and we assure their presence as part of our student body by advantaging them in the admissions process. It is important to note, however, that an individual who is not prepared academically to be a Michigan student, regardless of their minority status, will not be admitted.

Two special academic programs offered by the University are Summer Bridge and the Comprehensive Studies program. Both are administered under the College of Literature, Science, and the Arts but serve all units for admitted freshmen. Careful selection is used in determining which student will benefit from the academic support offered by each of the programs.

Secondly the two programs assist students who may come from high schools where the competition and rigor of study was less competitive; consequently the gifted student was not exposed to the same difficulties of study found in

schools advantaged by economics or the selectivity of a private school. Again, the criteria for admission to Bridge and CSP is determined by the same academic predictors used for admissions. When it is apparent that the academic support program will benefit the student, they are placed in the program.

Minority application review is carried out by the individual counselor assigned to the geographic territory or special unit. When a decision to admit is not clear, the counselor may elect to wait for new test scores, fall semester grades or a personal interview with the student. This provides the opportunity to better evaluate the candidate after new information is received. Admission counselors can also meet with other admissions staff to receive input and advice based on their assessment.

Overall the process is highly individualized and has been effective in selecting students who have a solid chance of graduating within a four or five year period.

Minority Recruitment Programs

The very heart of our minority recruitment is the many special programs aimed at prospective and admitted students. Much of our success is attracting well qualified students is a direct result of meeting the needs of students and parents during the crucial decision making period. We offer a host of recruitment programs that encourage everything from personal phone calls to evening receptions.

The primary minority programs are provided in two formats that describe and detail the extent to which we actively recruit students. All programs are evaluated

annually and frequently modified to adjust to the changing needs of students.

CONFIDENTIAL

GUIDELINES – SCUGA 1995

THE SCUGA FACTOR

The SCUGA factors are an attempt to give some standardization to decisions made by many different counselors on many different applications. We recognize that all communities, schools, populations, course offerings, grading practices, personal circumstances, etc. are not the same. We want to have justifiable decisions that blend the consistency and rigidness of a strict formula with the variations and flexibility of a humanistic review that occurs in a "rolling admissions" process. In reality, only the "C" factor should be added to the GPA. But for our method of selection all SCUGA factors are attached (added) to the GPA. The "U" (unusual), "G" (geographic), "A" (alumni) factors of the SCUGA formula assist in enrolling students who will provide a desired mixture of characteristics believed beneficial to the University.

Counselors will determine the Adjusted Grade Point Average or Index (GPA2) from the five SCUGA factors. The GPA2 will reflect several prominent characteristics in the applicant's file that will not be displayed in the clerk-computed GPA1. Both the GPA1 and the GPA2 will be entered into the system and can be accessed on the QU screen.

Notice: Schools are not "ranked" throughout the state or country but are given a "classification" based on their school profile and academic information. The SCUGA factor should be discussed in only general terms but acknowledging that we do consider various factors in our

decisions that reflect the difference among schools and to help us enroll the mix of students desired by the University. Strict principles of "fairness" and consistency can no longer be the major focus within or among schools or among students.

Counselors must always enter the SCUGA factors on the coding section of the application and the sum as the GPA2. If no adjustment is made, simply record the GPA that was computed by the clerk beside the GPA2 line on the front of the application. *Any unusual circumstance should be noted and stapled to the application in a prominent place.*

Keep a disk file of your schools and SCUGA points. Add to it as you review applications from more schools.

S (school) factor:

_ BLANK indicates insufficient data to award SCUGA

.0 For schools that receive no SCUGA points.

.1 For better-than-average schools (probably not more than 60 in Michigan)

.2 For very good schools (probably not more than 30 in Michigan)

.3 For unusually good schools (probably not more than 3 to 4 in Michigan and 50 in the U.S.)

.4 For exceptionally strong schools – tend to be select private (8-15 in the country)

.5 For truly outstanding schools – program similar to first two years at many colleges. Students score very high on tests and large numbers attend the most selective colleges. High grades rare for most students.

The same S factor should normally be applied to all applicants from the same school and is related to the points given for the C factor. Use discretion when a

student has taken a "weak" program and use the negative "C" factor.

The following guide will be used for the "S" factor. Weight is given to the overall strength of the school program. The school profile is the primary source of such data and should be coupled with our own profile and follow up files. (The files are located on the third floor in the work area just outside of Jim Vanhecke's office). A very high percent of those attending strong four year colleges and universities, high test scores for the entire school and above average academic performance on first year follow up reports could move the school upward. A code will be entered on the Master Chart Indicating an exception.

This factor is based on average SAT/ACT scores and the number of AP/IB courses at the school as well as the % attending two and four year colleges. Resist the temptation of being generous when the school is just a little short of the excepted level. In every category ("S" factor) there will be some schools that just make a certain level and some that just miss a higher level.

The figures below represent the averages of over 300 schools. Each counselor should be able to exercise judgment as to the "S" factor for schools in each territory. Remember the "S" factor relates to the strength of the school – not just a special group. In most cases the AP/IB figure is the starting point. Then determine if the SAT/ACT & College Bound substantiate the "S" points. A strong record at UM, achievement tests, AP/AB scores, the school's curriculum guide and other information will help in making an appropriate decision. Schools rated 4 & 5 must be exceptionally strong. Such rating would be very

rare among public schools. There are also many private schools that should not be above a 2.

S = .0 Schools with SAT average below 920 and ACT below 22 20-45% attend college
No or very few Honors or AP courses

S = .1 Schools with SAT average below 979 (range = 950-1010) and ACT below 23. Seventy-eight percent attend college. At least 7 AP/IB courses

S = .2 Schools with SAT average of 1050 (range = 1020-1080) or ACT average of 25. Ninety percent attend college. Strong honors or advanced courses. At least 9AP/IB courses

S = .3 Schools with SAT average of 1130 (range = 1090-1150) or ACT average of 27. Ninety-seven percent attend college. Many Honors or rigorous courses. At least 11 AP/IB courses. Achievement scores of ≥ 550 and/or impressive results on AP exams support high level of learning.

S = .4 Schools with SAT average of 1170 (range = 1160-1210) or ACT average 28. Ninety-nine percent attend college. List would include many competitive colleges. Strong AP record even when courses are not always called AP. Look for exams taken. At least 12 AP/IB. Many records include Achievement scores that tend to be in the 650+ range. Course grades tend not to cluster at the highest end of the scale. Look at distribution of grades and scores.

S = .5 Schools with SAT average of 1260 (range = 1220+) or ACT average 30. Ninety-nine percent attend college. List would include many highly competitive/selective colleges. Impressive number of high achievement scores. Many National Merit winners. At least 13 AP/IB. Curriculum reads like the 1st and 2nd year at a typical liberal art college.

Students receive 4's & 5's on AP. Grades tend to cluster in the mid-range of the scale. Counselor comments indicate real differences in a PLUS/MINUS grading system. Students have gone in depth into an area of study. Often including foreign study rather than just travel.

If the school factor reflects the range of test scores rather than averages please being a copy to MM and we will try to assign an appropriate "S" factor. We need to build a data base on this information.

C (curriculum) factor:

Given the wide disparity in high school course selection and offerings, it seems imperative that the choice of strong courses, particularly clearly identified Honors and AP/IB, be considered in the review process. It is unfair to reward (by Admission) a student who has elected a mediocre curriculum, sometimes for as many as four years, during high school while punishing (by Postponement) those with stronger programs. Achievement of a respectable GPA in a demanding and challenging program more often represents high motivation and commitment than a contrived inflated GPA in a weak curriculum. The stronger program also better prepares the student for the quality of work expected at the University of Michigan. All students are expected to elect at least four traditional college preparatory subjects each semester. Those with less should be deferred upon first review even if GPA and test score place them in the Admit range.

C (curriculum) factor: (including 9th grade) Starting point of 0 = Strong academic program, 19 academic courses in grades 9-12. Count Honors as .5 and AP/IB as 1. for full year courses. Do NOT round up!

-.2 = Very weak academic program, relative to what is offered in the school, less than 15 academic courses in grades 9-12. Three or fewer academics in senior year. No honors or AP. Use judgment. Admission doubtful.

-.1 = Weak academic program, relative to what is offered in the school, no honors or AP, 15-18 academics in grades 9-12. Use judgment.

0 = Average to strong academic program, one AP/IB or 1-3 honors, at least 19 academic courses in grades 9-12.

.1 = For a *very strong* program. 2-3 AP/IB or 4-7 honors in year long courses and at least 19 academic courses in grades 9-12.

.2 = For an *unusually strong* program. 4-5 AP/IB or 8-11 honors in year long courses *and* at least 19 academic courses in grades 9-12.

.3 = For a *superior* program. 6 or 7 AP/IB or 12-15 honors in year long courses *and* at least 20 academic courses in grades 9-12.

.4 = A *fantastic* program. 8+ AP/IB or 16+ honors in year long courses *and* at least 20 academic courses in grades 9-12.

NOTES: Make sure that there is a reasonable degree of integrity in the school's definition of "Honors" courses. In general, you can calculate 2 honors or/and accelerated courses to equal 1 AP course. That presumes that honors at that school are not equal to or as demanding as AP/IB. A statement from the high school such as "This would be Honors at another school or faculty policy precludes such a label" *does not* qualify for our inclusion as an "honors" course and should not be counted. Use your knowledge

(not assumptions) about what different labels used by the schools mean in this area. Tracks, phase, core, level, advanced, etc. do not always mean "advanced" when thinking of such courses as being for those whose course background has been strong, have received high grades, are selected to participate and write the AP Exams.

U (unusual) factor:

The "U" factor will be based on information provided on page 4 of the application, item 23, titled ACADEMICS AND EXTRACURRICULAR ACTIVITIES. The awarding of a "U" factor will be by a Unique Factor Option (UFO) committee decision and will be used in the rolling admission determination. Counselors should submit applications for review in which students have demonstrated through outstanding achievements that they merit the addition of the "U" factor added to the GPA2 Index. *The "U" factor will be awarded on national, regional, or state recognition of academic or extracurricular activities.*

Examples of the above recognition include:

1. Elected positions at Girls or Boys State
2. National Science Foundation Award
3. National or Regional Service Club Award
4. Unique initiative in a community or entrepreneurial endeavor resulting in national, regional, or state recognition.
5. Professional theater experience at the "Broadway" level.
6. Olympic athlete or national recognition as an athlete, i.e. figure skater.
7. One person art show.
8. Writing published in nationally recognized magazine
9. Westinghouse Scholar (can be high school juniors)

(As additional accomplishments are identified, they will be added to examples for future reference.)

Counselors need to have some validation of the achievement such as high school counselor confirmation, copy of award certificate, newspaper clipping, etc.

A point of .1, .2 or .3 will be given to those applicants whose outstanding accomplishments in areas similar to those cited above warrant the extra value added to their GPA2 Index. If the addition of the .1, .2 or .3 value raises the student into the admit category on first review, admission will be granted. If the addition of the "unique" points to the GPA2 Index does not place the student in an admit cell of the guidelines, the student will be postponed and may be given priority when and if selection is made from the postponed group. The reviewing counselor will keep a copy of the application face sheet for the postpone review.

The Unique Factor Option (UFO) committee will consist of Marilyn, chair, and one member from each team, and will meet at least twice a month to review the applications submitted by counselors. A "U" factor cover sheet will be completed to aid the UFO committee in identifying the unusual circumstances that warrant review. *A counselor may not assign a "U" factor to any of their applications on their own or within their teams.* To be consistent and to keep the "U" factors assigned at a reasonable number, the decisions will all be made by the UFO committee. It is expected there will be no more than 20 to 30 students who would qualify for a "U" factor.

Exceptional Cases for Postponed Group Review

Exceptional cases are those students who have *outstanding accomplishments at the local level*. They do not qualify for a "U" factor, but can be given special consideration when/if we select students from the postponed group in the spring Counselors should review the information provided in item 23 on the application to look for awards, honors, elected positions held, unusual work experiences, outstanding counselor recommendations, *etc.*, during the student's years in high school. Remember, most applicants to U-M are very active students in leadership positions, sports activities, social clubs, etc. Active involvement in these activities is not unusual and is normal for the applicant pool. The exceptional case designation is not to be used as compensation for weaker academic achievement attributed to over involvement in non-academic activities.

Exceptional by virtue of "beyond their control" factors:

An exceptional case may also be a student whose academic record was impacted by extended illness, frequent changes of high schools, trauma and other events beyond the control of the individual but not just the problems of growing up in today's society.

Counselors should identify their exceptional cases by writing "Exceptional Case" and a key reason for the designation on the bottom of the face of the application. A copy of the face of the application should be made and kept in your files until we are ready to review applications from the postponed group.

Awarding the "U" factor or identifying exceptional cases needs to be based on accomplishments above and beyond

the normal involvement of students in their academic and extracurricular activities (or the beyond their control factors). Students who neglect their academic achievement for over involvement in extracurricular activities are not to be rewarded.

You may also want to keep a separate folder for your "WANNABES" whose only claim for any extra consideration is that they are tenacious in their desire for admission. Likthe exceptional cases, make a notation at the bottom of the application and keep a copy of the face of the application in your WANNABE folder.

G (geographic) factor:

1 For applicants from northern Michigan, (defined as counties including and north of Oceana, Newago, Mecosta, Clare, Gladwin, and Arenac counties), rural areas, and small communities that are separated geographically and/or culturally from larger and/or more sophisticated areas. Also, western states (beyond Mo, Iowa, Minn) except California and southern states below VA, Tenn (except for Florida and Texas). Foreign students are not awarded G factor points.

A (alumni) factor:

1 (Non-resident applicants only) Applicants must be a child, grandchild, sibling, or spouse of an alumnus. Do not add when "legacy" (mother/father) results in using instate guidelines.

GUIDELINES – SCUGA 1996

THE SCUGA FACTOR

The SCUGA factors are an attempt to give some standardization to decisions made by many different counselors on many different applications. We recognize that all communities, schools, populations, course offerings, grading practices, personal circumstances, etc. are not the same. We want to have justifiable decisions that blend the consistency and rigidness of a strict formula with the variations and flexibility of a humanistic review that occurs in a "rolling admissions" process. In reality, only the "C" factor should be added to the GPA. But for our method of selection all SCUGA factors are attached (added) to the GPA. The "U" (unusual), "G" (geographic), "A" (alumni) factors of the SCUGA formula assist in enrolling students who will provide a desired mixture of characteristics believed beneficial to the University.

Counselors will determine the Adjusted Grade Point Average or Index (GPA2) from the five SCUGA factors. The GPA2 will reflect several prominent characteristics in the applicant's file that will not be displayed in the clerk-computed GPA1. Both the GPA1 and the GPA2 will be entered into the system and can be accessed on the QU screen.

Notice: Schools are not "ranked" throughout the state or country but are given a "classification" based on their school profile and academic information. The SCUGA factor should be discussed in only general terms but acknowledging that we do consider various factors in our decisions that reflect the difference among schools and to

help us enroll the mix of students desired by the University. Strict principles of "fairness" and consistency can no longer be the major focus within or among schools or among students.

Counselors must always enter the SCUGA factors on the coding section of the application and the sum as the GPA2. If no adjustment is made, simply record the GPA that was computed by the clerk beside the GPA2 line on the front of the application. *Any unusual circumstance should be noted and stapled to the application in a prominent place.*

Keep a disk file of your schools and SCUGA points. Add to it as you review applications from more schools.

S (school) factor:

_ BLANK indicates insufficient data to award SCUGA

.0 For schools that receive no SCUGA points.

.1 For better-than-average schools (probably not more than 60 in Michigan)

.2 For very good schools (probably not more than 30 in Michigan)

.3 For unusually good schools (probably not more than 3 to 4 in Michigan and 50 in the U.S.)

.4 For exceptionally strong schools – tend to be select private (8-15 in the country)

.5 For truly outstanding schools – program similar to first two years at many colleges. Students score very high on tests and large numbers attend the most selective colleges. High grades rare for most students.

The same S factor should normally be applied to all applicants from the same school and is related tc the points given for the C factor. Use discretion when a student has taken a "weak" program and use the negative "C" factor.

The following guide will be used for the "S" factor. Weight is given to the overall strength of the school program. The school profile is the primary source of such data and should be coupled with our own profile and follow up files. (The files are located on the third floor in the work area just outside of Jim Vanhecke's office). A very high percent of those attending strong four-year colleges and universities, high test scores for the entire school and above average academic performance on first year follow up reports could move the school upward. A code will be entered on the Master Chart Indicating an exception.

This factor is based on the number of AP/IB courses offered at the school, the percentage of students attending two and four year colleges and average SAT/ACT scores. Resist the temptation of being generous when the school is just a little short of the excepted level. In every category ("S" factor) there will be some schools that just make a certain level and some that just miss a higher level.

The figures below represent the averages of over 300 schools. Each counselor should be able to exercise judgment as to the "S" factor for schools in each territory. Remember the "S" factor relates to the strength of the school – not just a special group. *In most cases the AP/IB figure is the starting point.* Then determine if the College Bound and SAT/ACT statistics substantiate the "S" points. A strong record at UM, achievement tests, AP/AB scores, the school's curriculum guide and other information will help in making an appropriate decision. Schools rated 4 & 5 must be exceptionally strong. Such rating would be very rare among public schools. There are also many private schools that should not be above a 2.

Note: The 1995 High School Profiles and SAT scores listed below are based on *pre-Recentered scores*.

S = .0 Very few or no Honors or AP courses
Less than 50% attend college
SAT average below 920 and ACT below 22

S = .1 At least 7 AP/IB courses. Seventy-five percent attend college. SAT average range of 950-1010 and ACT below 23.

S = .2 At least 9AP/IB courses. Strong honors or advanced courses. Eighty-five percent attend college. SAT average range of 1020-1080 or ACT average of 25.

S = .3 At least 11 AP/IB courses. Many Honors or rigorous courses. Achievement scores of ≥ 550 and/or impressive results on AP exams support high level of learning. Ninety-five percent attend college. SAT average range of 1090-1150 or ACT average of 27.

S = .4 At least 12 AP/IB. Strong AP record even when courses are not always called AP. Look for exams taken. Course grades tend not to cluster at the highest end of the scale. Look at distribution of grades and scores. Many records include Achievement scores that tend to be in the 650+ range. Ninety-nine percent attend college. List would include many competitive colleges. SAT average range of 1160-1210 or ACT average 28.

S = .5 At least 13 AP/IB. Impressive number of high achievement scores. Many National Merit winners. Curriculum reads like the 1st and 2nd year at a typical liberal art college. Students receive 4's & 5's on AP. Grades tend to cluster in the mid-range of the scale. Counselor comments indicate real differences in a PLUS/MINUS grading system. Students have gone in depth into an area of study. Often including foreign study rather than just travel.

Ninety-nine percent attend college. List would include many highly competitive/selective colleges. SAT average range of 1220+ or ACT average of 30.

If you need help in determining an appropriate "S" factor due to wide variations in selection criteria, please bring your data to MM and we will assign an appropriate "S" factor.

C (curriculum) factor:

Given the wide disparity in high school course selection and offerings, it seems imperative that the choice of strong courses, particularly clearly identified Honors and AP/IB, be considered in the review process. It is unfair to reward (by Admission) a student who has elected a mediocre curriculum, sometimes for as many as four years, during high school while punishing (by Postponement) those with stronger programs. Achievement of a respectable GPA in a demanding and challenging program more often represents high motivation and commitment than a contrived inflated GPA in a weak curriculum. The stronger program also better prepares the student for the quality of work expected at the University of Michigan. All students are expected to elect at least four traditional college preparatory subjects each semester. Those with less should be deferred upon first review even if GPA and test score place them in the Admit range.

C (curriculum) factor: (including 9th grade) Starting point of 0 = Strong academic program, 19 academic courses in grades 9-12. Count Honors as .5 and AP/IB as 1. for full year courses. Do NOT round up!

-.2 = Very weak academic program, relative to what is offered in the school, less than 15 academic courses in grades 9-12. Three or fewer academics in senior

year. No honors or AP. Use judgment. Admission doubtful.

-.1 = Weak academic program, relative to what is offered in the school, no honors or AP, 15-18 academics in grades 9-12. Use judgment.

0 = Average to strong academic program, one AP/IB or 1-3 honors, at least 19 academic courses in grades 9-12.

.1 = For a *very strong* program. 2-3 AP/IB or 4-7 honors in year long courses and at least 19 academic courses in grades 9-12.

.2 = For an *unusually strong* program. 4-5 AP/IB or 8-11 honors in year long courses *and* at least 19 academic courses in grades 9-12.

.3 = For a *superior* program. 6 or 7 AP/IB or 12-15 honors in year long courses *and* at least 20 academic courses in grades 9-12.

.4 = A *fantastic* program. 8+ AP/IB or 16+ honors in year long courses *and* at least 20 academic courses in grades 9-12.

NOTES: Make sure that there is a reasonable degree of integrity in the school's definition of "Honors" courses. In general, you can calculate 2 honors or/and accelerated courses to equal 1 AP course. That presumes that honors at that school are not equal to or as demanding as AP/IB. A statement from the high school such as "This would be Honors at another school or faculty policy precludes such a label" *does not* qualify for our inclusion as an "honors" course and should not be counted. Use your knowledge (not assumptions) about what different labels used by the schools mean in this area. Tracks, phase, core, level, advanced, etc. do not always mean "advanced" when

thinking of such courses as being for those whose course background has been strong, have received high grades, are selected to participate and write the AP Exams.

U (unusual) factor:

The "U" factor will be based on information provided on page 3 of the application, item 31, titled *Activities, Work Experience and Awards*. The awarding of a "U" factor will be by a Unique Factor Option (UFO) committee decision and will be used in the rolling admission determination. Counselors should submit applications for review in which students have demonstrated through outstanding achievements that they merit the addition of the "U" factor added to the GPA2 Index. *The "U" factor will be awarded on national, regional, or state recognition of academic or extracurricular activities.*

Examples of the above recognition include:

1. Elected positions at Girls or Boys State
2. National Science Foundation Award
3. National or Regional Service Club Award
4. Unique initiative in a community or entrepreneurial endeavor resulting in national, regional, or state recognition.
5. Professional theater experience at the "Broadway" level.
6. Olympic athlete or national recognition as an athlete, i.e. figure skater.
7. One person art show.
8. Writing published in nationally recognized magazine
9. Westinghouse Scholar (can be high school juniors)

(As additional accomplishments are identified, they will be added to examples for future reference.)

Counselors need to have some validation of the achievement such as high school counselor confirmation, copy of award certificate, newspaper clipping, etc.

A point of .1, .2 or .3 will be given to those applicants whose outstanding accomplishments in areas similar to those cited above warrant the extra value added to their GPA2 Index. If the addition of the .1, .2 or .3 value raises the student into the admit category on first review, admission will be granted. If the addition of the "unique" points to the GPA2 Index does not place the student in an admit cell of the guidelines, the student will be postponed and may be given priority when and if selection is made from the postponed group. The reviewing counselor will keep a copy of the application face sheet for the postpone review.

The Unique Factor Option (UFO) committee will consist of Marilyn, chair, and one member from each team, and will meet at least twice a month to review the applications submitted by counselors. A "U" factor cover sheet will be completed to aid the UFO committee in identifying the unusual circumstances that warrant review. *A counselor may not assign a "U" factor to any of their applications on their own or within their teams.* To be consistent and to keep the "U" factors assigned at a reasonable number, the decisions will all be made by the UFO committee. It is expected there will be no more than 20 to 25 students who would qualify for a "U" factor.

Exceptional Cases for Postponed Group Review

Exceptional cases are those students who have *outstanding accomplishments at the local level.* They do not qualify for a "U" factor, but can be given special consideration when/if we select students from the postponed group

in the spring Counselors should review the information provided in item 31 on the application to look for awards, honors, elected positions held, unusual work experiences, outstanding counselor recommendations, etc., during the student's years in high school. Remember, most applicants to U-M are very active students in leadership positions, sports activities, social clubs, etc. Active involvement in these activities is not unusual and is normal for the applicant pool. The exceptional case designation is not to be used as compensation for weaker academic achievement attributed to over involvement in non-academic activities.

Exceptional by virtue of "beyond their control" factors:

An exceptional case may also be a student whose academic record was impacted by extended illness, frequent changes of high schools, trauma and other events beyond the control of the individual but not just the problems of growing up in today's society.

Counselors should identify their exceptional cases by writing "Exceptional Case" and a key reason for the designation on the bottom of the face of the application. A copy of the face of the application should be made and kept in your files until we are ready to review applications from the postponed group.

Awarding the "U" factor or identifying exceptional cases needs to be based on accomplishments above and beyond the normal involvement of students in their academic and extracurricular activities (or the beyond their control factors). Students who neglect their academic achievement for over involvement in extracurricular activities are not to be rewarded.

You may also want to keep a separate folder for your "WANNABES" whose only claim for any extra consideration is that they are tenacious in their desire for admission. Like the exceptional cases, make a notation at the bottom of the application and keep a copy of the face of the application in your WANNABE folder.

G (geographic) factor:

.1 For applicants from northern Michigan, (defined as counties including and north of Oceana, Newago, Mecosta, Clare, Gladwin, and Arenac counties), rural areas, and small communities that are separated geographically and/or culturally from larger and/or more sophisticated areas. Also, western states (beyond Mo, Iowa, Minn) except California and southern states below VA, Tenn (except for Florida and Texas). Foreign students are not awarded G factor points.

A (alumni) factor:

.1 For all applicants whose grandparents, parents, siblings or spouse have been enrolled in any unit on the Ann Arbor campus as degree seeking students. (revised 10-6-95)

For units that have separate guidelines for resident and non-resident applications, non-resident legacies (applicants whose parents attended U-M Ann Arbor campus) will be evaluated for admission using instate guidelines in addition to receiving .1 for the alumni factor.

GUIDELINES – SCUGA 1997

SCUGA

(School, Curriculum, Unusual, Geographic, Alumni)

The SCUGA factors are an attempt to give some standardization to decisions made by many different counselors on many different applications. We recognize that all communities, schools, populations, course offerings, grading practices, personal circumstances, etc. are not the same. We want to have justifiable decisions that blend the consistency and rigidness of a strict formula with the variations and flexibility of a humanistic review that occurs in a "rolling admissions" process. In reality, only the "C" factor should be added to the GPA. But for our method of selection all SCUGA factors are attached (added) to the GPA. The "U" (unusual), "G" (geographic), "A" (alumni) factors of the SCUGA formula assist in enrolling students who will provide a desired mixture of characteristics believed beneficial to the University.

Counselors will determine the adjusted Grade Point Average or Selector Index (GPA2) from the five SCUGA factors. The GPA2 will reflect several prominent characteristics in the applicant's file that will not be displayed in the clerk-computed GPA1. Both the GPA1 and the GPA2 will be entered into the system and can be accessed on the QU screen.

Notice: Schools are not "ranked" throughout the state or country but are given a "classification" based on their school profile and academic information. The "S" factor should be discussed only in general terms acknowledging that we do consider various factors in our decisions that reflect the difference among schools which help us enroll

the mix of students desired by the University. *Strict principles of "fairness" and consistency can no longer be the major focus within or among schools or among students.*

Counselors must always enter the SCUGA factors on the coding section of the application and their sum on the GPA2 line. If no adjustment is made, simply record the GPA that was computed by the clerk on the GPA2 line of the application folder.

Record the "S" factor you assign to your high schools and report updates to Janet Hall so she can keep the master chart of "S" factors current. Add to it as you review applications from more schools.

S (school) factor:

_ BLANK indicates insufficient data to award SCUGA

.0 For schools that receive no SCUGA points.

.1 For better-than-average schools (probably not more than 60 in Michigan)

.2 For very good schools (probably not more than 30 in Michigan)

.3 For unusually good schools (probably not more than 3 to 4 in Michigan and 50 in the U.S.)

.4 For exceptionally strong schools – tend to be select private (8-15 in the country)

.5 For truly outstanding schools – program similar to first two years at many colleges. Students score very high on tests and large numbers attend the most selective colleges. High grades rare for most students.

The same S factor should normally be applied to all applicants from the same school and is related to the points given for the C factor. Use discretion when a student has taken a "weak" program and use the negative "C" factor.

The following guide will be used for the "S" factor. Weight is given to the overall strength of the school program. The school profile is the primary source of such data and should be coupled with our own profile and follow up files. (Follow Up reports for the most recent 2 years are located on the third floor in the work area just outside of Jim Vanhecke's office). A very high percent of those attending strong four year colleges and universities, high test scores for the entire school and above average academic performance on first year follow up reports could move the school upward. A code will be entered on the Master Chart indicating an exception.

This factor is based on the number of AP/IB courses offered at the school, the percentage of students attending two and four year colleges and average SAT I/ACT scores. Resist the temptation of being generous when the school is just a little short of the expected level. In every category ("S" factor) there will be some schools that just make a certain level and some that just miss a higher level.

The figures below represent the averages of over 300 schools. Each counselor should be able to exercise judgment as to the "S" factor for schools in each territory. Remember the "S" factor relates to the strength of the school – not just a special group. *In most cases the AP/IB figure is the starting point.* Then determine if the College Bound and SAT I/ACT statistics substantiate the "S" points. A strong record at UM, SAT II subject tests, AP/AB scores, the school's curriculum guide and other information will help in making an appropriate decision. Schools rated 4 & 5 must be exceptionally strong. Such rating would be very rare among public schools. There are also many private schools that should not be above a 2.

Note: The 1996 High School Profiles and SAT I scores listed below are based on *Recentered scores.*

S = .0 Very few or no Honors or AP courses
Less than 50% attend college
SAT I average below 1040 and ACT below 22

S = .1 At least 7 AP/IB courses. Seventy-five percent attend college.
SAT I average range of 1050-1080 and ACT below 23.

S = .2 At least 9 AP/IB courses. Strong honors or advanced courses. Eighty-five percent attend college. SAT I average range of 1130-1160 or ACT average of 25.

S = .3 At least 11 AP/IB courses. Many honors or rigorous courses. SAT II subject scores of $\geq$ 610 and/or impressive results on AP exams support high level of learning. Ninety-five percent attend college. SAT I average range of 1200-1230 or ACT average of 27.

S = .4 At least 12 AP/IB. Strong AP record even when courses are not always called AP. Look for exams taken. Course grades tend not to cluster at the highest end of the scale. Look at distribution of grades and scores. Many records include SAT II subject scores that tend to be in the 710+ range. Ninety-nine percent attend college. List would include many competitive colleges. SAT I average range of 1240-1270 or ACT average of 28.

S = .5 At least 13 AP/IB. Impressive number of high SAT II subject scores. Many National Merit winners. Curriculum reads like the 1st and 2nd year at a typical liberal art college. Students receive 4's & 5's on AP. Grades tend to cluster in the mid-range of the scale. Counselor comments indicate real differences in a PLUS/MINUS grading system. Students have gone in depth into an area of study.

Often including foreign study rather than just travel. Ninety-nine percent attend college. List would include many highly competitive/selective colleges. SAT I average range of 1320+ or ACT average of 30.

If you need help in determining an appropriate "S" factor due to wide variations in selection criteria, please bring your data to MM and we will assign an appropriate "S" factor.

C (curriculum) factor:

Given the wide disparity in high school course selection and offerings, it seems imperative that the choice of strong courses, particularly clearly identified Honors and AP/IB, be considered in the review process. It is unfair to reward (by Admission) a student who has elected a mediocre curriculum, sometimes for as many as four years, during high school while punishing (by Postponement) those with stronger programs. Achievement of a respectable GPA in a demanding and challenging program more often represents high motivation and commitment than a contrived inflated GPA in a weak curriculum. The stronger program also better prepares the student for the quality of work expected at the University of Michigan. All students are expected to elect at least four traditional college preparatory subjects each semester. Those with less should be deferred upon first review even if GPA and test score place them in the Admit range.

C (curriculum) factor: (including 9th grade) Starting point of 0 = Strong academic program, 19 academic courses in grades 9-12. Count Honors as .5 and AP/IB as 1. for full year courses. Do NOT round up!

-.2 = Very weak academic program, relative to what it offered in the school, less than 15 academic courses in grades 9-12. Three or fewer academics in senior year. No honors or AP. Use judgment. Admission doubtful.

-.1 = Weak academic program, relative to what is offered in the school, no honors or AP, 15-18 academics in grades 9-12. Use judgment.

0 = Average to strong academic program, one AP/IB or 1-3 honors, at least 19 academic courses in grades 9-12.

.1 = For a *very strong* program. 2-3 AP/IB or 4-7 honors in year long courses and at least 19 academic courses in grades 9-12.

.2 = For an *unusually strong* program. 4-5 AP/IB or 8-11 honors in year long courses *and* at least 19 academic courses in grades 9-12.

.3 = For a *superior* program. 6 or 7 AP/IB or 12-15 honors in year long courses *and* at least 20 academic courses in grades 9-12.

.4 = A *fantastic* program. 8+ AP/IB or 16+ honors in year long courses *and* at least 20 academic courses in grades 9-12.

NOTES: Make sure that there is a reasonable degree of integrity in the school's definition of "Honors" courses. In general, you can calculate 2 honors or/and accelerated courses to equal 1 AP course. That presumes that honors at that school are not equal to or as demanding as AP/IB. A statement from the high school such as "This would be Honors at another school or faculty policy precludes such a label" *does not* qualify for our inclusion as an "honors" course and should not be counted. Use your knowledge (not assumptions) about what different labels used by the

schools mean in this area. Tracks, phase, core, level, advanced, etc. do not always mean "advanced" when thinking of such courses as being for those whose course background has been strong, have received high grades, are selected to participate and write the AP Exams.

U (unusual) factor:

The "U" factor will be based on information provided on page 3 of the application, item 31, titled *Activities, Work Experience and Awards* as well as the *essay* and *other information included with the application.* The awarding of a "U" factor will be used in the rolling admission determination. Counselors should consider applications for the Unusual in which students have demonstrated through achievements or unusual backgrounds that they merit the addition of the "U" factor added to the GPA2 Index.

The U factor can be awarded in 4 areas: *Leadership and Service, Personal Achievements, Essay Analysis* and *Contribution to a Diverse Class.*

I. *Leadership and Service.* Examples of strong leadership include:

- Elected positions at Girls or Boys State
- Unique initiative in a community endeavor resulting in special recognition.
- State or Service Club Award
- Successful entrepreneur.

An Unusual factor of .1 to .2 can be given to those applicants whose TRULY OUTSTANDING ACCOMPLISHMENTS in areas similar to those cited above warrant the extra value added to their GPA2 Index. If the addition of the .1 or .2 value raises the student into the admit category on first review, admission will be granted. If the addition of the "unique" points

to the GPA2 Index does not place the student in an admit cell of the guidelines, the student will be postponed and may be given priority when and if selection is made from the postponed group.

II. *Personal Achievements.* Examples of indicators of personal achievements include:

- National Science Foundation Award
- Westinghouse Scholar (can be high school juniors)
- State or national recognition as an athlete.
- Winning a regional, state, or national art show.
- Writing published in a state or nationally recognized magazine
- Professional theater experience.

An Unusual factor of .1 or .2 can be given for outstanding personal achievements.

III. *Essays* are required. If the essay is missing the application is incomplete and cannot be marked up for admission. The essay will be evaluated for *Content, Style, Originality,* and *Risk.* A .1 Unusual factor can be awarded for an *outstanding* essay. Very poor essays could detract from the admissibility of an applicant. For extremely poor essays a -.1 could be used.

IV. *Contribution to a Diverse Class.* The University is committed to a rich educational experience for it's students. A diverse, as opposed to a homogeneous, student population enhances the educational experience for all students. To insure a diverse class, significant weight will be given in the admissions process to indicators of students contribution to a diverse class. An Unusual factor of .2 or .5 will be given for the potential contribution to a diverse class from only one of the following indicators:

- An applicant who is a member of a Federally recognized underrepresented race or ethnicity, which is also underrepresented on the UM Ann Arbor Campus, and who is from a school or community where a significant majority of students is of a different race from the applicant (.5).
- Location of the school in a predominately minority neighborhood (.5).
- Students who are economically, socially, or educationally disadvantaged. Indicators of such disadvantagement might include the CB application fee waiver request form, parents occupation, excessive work hours while attending school, overcoming extraordinary obstacles such as severe illness, abuse or homelessness (.5).
- Underrepresented in the unit to which they are applying (e.g., males into Nursing, females into Engineering) (.2).

Awarding the "U" factor in items I or II or identifying exceptional cases needs to be based on accomplishments above and beyond the normal involvement of students in their academic and extracurricular activities (or the beyond their control factors). *Students who neglect their academic achievement for over involvement in extracurricular activities are not to be rewarded.*

Because the University is committed to enrolling a diverse group of students whose unique life experiences reflect those from all economic, social, and educational backgrounds, the combination of points awarded the "U" factor in all four areas (I, II, III, IV) may equal a maximum of 1.0.

Exceptional Cases for Postponed Group Review

Exceptional cases are those students who have *outstanding accomplishments at the local level.* They do not qualify for a "U" factor, but can be given special consideration when/if we select students from the postponed group in the spring. Counselors should review the information provided in item 31 on the application to look for awards, honors, elected positions held, unusual work experiences, outstanding counselor recommendations, etc., during the student's years in high school. Remember, most applicants to U-M are very active students in leadership positions, sports activities, social clubs, etc. Active involvement in these activities is not unusual and is normal for the applicant pool. The exceptional case designation is not to be used as compensation for weaker academic achievement attributed to over involvement in non-academic activities.

Exceptional by virtue of "beyond their control" factors:

An exceptional case may also be a student whose academic record was impacted by extended illness, frequent changes of high schools, trauma and other events beyond the control of the individual but not just the problems of growing up in today's society.

Counselors should identify their exceptional cases by writing "Exceptional Case" and a key reason for the designation on the bottom of the face of the application. A copy of the face of the application should be made and kept in your files until we are ready to review applications from the postponed group.

You may also want to keep a separate folder for your "WANNABES" whose only claim for any extra consideration is that they are tenacious in their desire for admission. Like the exceptional cases, make a notation at the bottom of the application and keep a copy of the fact of the application in your WANNABE folder.

G (geographic) factor:

.1 For applicants from northern Michigan, (defined as counties including and north of Oceans, Newago, Mecosta, Clare, Gladwin, and Arenac counties), rural areas, and small communities that are separated geographically and/or culturally from larger and/or more sophisticated areas. Also, western states (beyond Mo, Iowa, Minn) except California and southern states below VA. Tenn (except for Florida and Texas). Foreign students are not awarded G factor points.

A (alumni) factor:

.1 For all applicants whose grandparents, parents, siblings or spouse have been enrolled in any unit on the Ann Arbor campus as degree seeking students. (revised 10-6-95)

For units that have separate guidelines for resident and non-resident applications, non-resident legacies (applicants whose parents attended U-M Ann Arbor campus) will be evaluated for admission using instate guidelines in addition to receiving .1 for the alumni factor.

Office of Undergraduate Admissions **CONFIDENTIAL**
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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS GUIDELINES FOR ALL TERMS OF 1995

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LSA Freshman Guidelines 1995 All Terms

**First-Review -- INSTATE & LEGACY (NON-MINORITY) TABLE I

	0-17 400-810	18-20 820-850	21-22 860-940	23-24 950-1020	25-26 1030-1100	27-28 1110-1190	29-30 1200-1280	31-32 1290-1370	33-34 1380-1480	35-36 1490-1600
>4	rtst	rtst/ PDTE	PDTE/a	a	A	A	A	A	A	A
3.8-3.9	rtst	rtst	PDTE	PDTE	PDTE	A	A	A	A	A
3.6-3.7	rtst	rtst	rtst	PDTE	PDTE	PDTE	a	a	a	a
3.4-3.5	rtst	rtst	rtst	PDTE/ rtst	PDTE	PDTE	PDTE	a	a	a
3.2-3.3	RTST	RTST	RTST	rtst	PDTE	PDTE	PDTE	PDTE	PDTE	PDTE
3.0-3.1	RTST	RTST	RTST	rr&t	rssr	rssr	rssr	rssr	PDTE	PDTE
2.8-2.9	RR&T	RR&T	RR&T	rr&t	rssr	rssr	rssr	rssr	PDTE	PDTE
2.6-2.7	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr
2.4-2.5	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr
2.2-2.3	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr
<2.1	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr

Notes:
A- Admit
RTST- Reject, Test Scores
RR&T- Reject, Secondary School Record and Test
RSSR- Reject, Secondary School Record
PDTE- Postpone Decision
Bold Caps for A & R- Automatic by clerks; lower case a & r decisions by counselors.
**Admit all students at the 98% or 99% if there are no serious deficiencies. ADMIT TOP 5% from counties other than Livingston, Macomb, Oakland, Washtenaw or Wayne.
Be very conservative in awarding SCUGA points: All students are expected to elect a demanding program.
[illegible] to be referred to UM before admission is offered.

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CONFIDENTIAL LSA Freshman Guidelines 1995 All Terms

** First-Review -- OUT-OF-STATE (NON-MINORITY) TABLE II

	0-17 400-810	18-20 400-850	21-22 860-940	23-24 950-1020	25-26 1030-1100	27-28 1110-1190	29-30 1200-1280	31-32 1290-1370	33-34 1380-1480	35-36 1490-1600
>4	rtst	rtst	rtst	PDTE	A	A	A	A	A	A
3.8-3.9	rtst	rtst	rtst	PDTE	PDTE	A	A	A	A	A
3.6-3.7	rtst	rtst	rtst	PDTE	PDTE	PDTE	a	a	a	a
3.4-3.5	rtst	rtst	rtst	rtst	PDTE	PDTE	PDTE	PDTE	PDTE/a	PDTE/a
3.2-3.3	RTST	RTST	RTST	rtst	rssr	rssr	PDTE	PDTE	PDTE	PDTE
3.0-3.1	RTST	RTST	RTST	RTST	rssr	rssr	rssr	rssr	PDTE/ rssr	PDTE/ rssr
2.8-2.9	RR&T	RR&T	RR&T	RR&T	RR&T	RSSR	rssr	rssr	PDTE/ rssr	PDTE/ rssr
2.6-2,7	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	PDTE/ rssr
2.4-2.5	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr
2.2-2.3	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr
<2.1	RR&T	RR&T	RR&T	RR&T	RSSR	RSSR	RSSR	RSSR	rssr	rssr

Notes:
A- Admit
RSSR- Reject, Secondary School Record
RR&T- Reject, Secondary School Record and Test
PDTE- Postpone Decision
RTST- Reject, Test Score

Bold Caps for A & R- Automatic by clerks; lower case a & r decisions by counselors.
**Admit if H.S.P.R. is 99th percentile
Be very conservative in awarding SCUGA points: All students are expected to elect a demanding program.
Applications falling outside the guidelines should be referred to MM before admission is offered.

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LSA Freshman Guidelines 1995 All Terms

First-Review -- INSTATE (MINORITY) TABLE III

	0-17 400-810	18-20 820-850	21-22 860-940	23-24 950-1020	25-26 1030-1100	27-28 1110-1190	29-30 1200-1280	31-32 1290-1370	33-34 1380-1480	35-36 1490-1600
>4	*	A/ACSP/ ABR/DSF	A/ACSP DSF	A/ACSP	A	A	A	A	A	A
3.8-3.9	*	A/ACSP/ ABR/DSF	A/ACSP DSF	A/ACSP	A/ACSP	A	A	A	A	A
3.6-3.7	*	A/ACSP/ ABR/DSF	A/ACSP DSF	A/ACSP	A/ACSP	A	A	A	A	A
3.4-3.5	*	A/ACSP/ ABR/DSF	A/ACSP DSF	A/ACSP	A/ACSP	A	A	A	A	A
3.2-3.3	*	A/ACSP/ ABR/DSF	A/ACSP DSF	A/ACSP	A/ACSP	A/ACSP	A/ACSP	A	A	A
3.0-3.1	*	A/ACSP/ ABR/DSF	ACSP DSF	ACSP	A/ACSP	A/ACSP	A/ACSP	A/ACSP	A/ACSP	A/ACSP
2.8-2.9	*	DGSF (BR)	DGSF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)
2.6-2.7	*	DGSF (BR)	DGSF (ACSP/ R-MIN)	DGSF (BR)	DGF (BR)	DGF (BR)	DGF (BR)	DGF (BR)	DGF (BR)	DGF (BR)
2.4-2.5	RR&T R-MIN	RR&T R-MIN	DGSF (BR)	DGSF (BR)	DGF (BR)	DGF (BR)	DGF (BR)	DGF (BR)	DGF (BR)	DGF (BR)
2.2-2.3	RR&T R-MIN	RR&T R-MIN	RR&T R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN
<2.1	RR&T R-MIN	RR&T R-MIN	RR&T R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN

Notes:
A= Admit
A-BP= Admit to Bridge Program (Nonresident applicants should not be offered admission to the Bridge Program)
A-CSP= Admit to Comprehensive Studies Program
DGF= Delay for fall term grades
DSP= Delay for senior year SAT's or ACT's
DGSF= Delay for fall term grades and senior year SAT's or ACT's
(BR)= Submit for Bridge review for one of the options indicated
Pers. R= Reject (not qualified). Send a personal letter of rejection
*Usually not to be admitted. Consult with MM prior to any action.
Be very conservative in awarding SCUGA points: All students are expected to elect a demanding program. Applications falling outside the guidelines should be referred to MM or ORC before admissions if offered.
NOTE: THOSE ADMITTED TO SUMMER BRIDGE IN THE FIRST TWO COLUMNS ARE REQUIRED TO ATTEND DURING THE SUMMER. THEY CANNOT

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CONFIDENTIAL LSA Freshman Guidelines 1995 All Terms

First-Review -- OUTSTATE (MINORITY) TABLE IV

	0-17 400-810	18-20 820-850	21-22 860-940	23-24 950-1020	25-26 1030-1100	27-28 1110-1190	29-30 1200-1280	31-32 1290-1370	33-34 1380-1480	35-36 1490-1600
>4	*	A/ACSP DSF	A/ACSP DSF	A/ACSP	A	A	A	A	A	A
3.8-3.9	*	A/ACSP DSF	A/ACSP DSF	A/ACSP	A/ACSP	A	A	A	A	A
3.6-3.7	*	A/ACSP DSF	A/ACSP DSF	A/ACSP	A/ACSP	A	A	A	A	A
3.4-3.5	*	A/ACSP DSF	A/ACSP DSF	A/ACSP	A/ACSP	A	A	A	A	A
3.2-3.3	*	A/ACSP DSF	A/ACSP DSF	A/ACSP	A/ACSP	A/ACSP	A/ACSP	A	A	A
3.0-3.1	*	A/ACSP DSF	A/ACSP DSF	ACSP	A/ACSP	A/ACSP	A/ACSP	A/ACSP	A/ACSP	A/ACSP
2.8-2.9	*	DGSF (ACSP/ R-MIN)	DGSF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)	DGF (ACSP)
2.6-2.7	*	DGSF (ACSP/ R-MIN)	DGSF (ACSP/ R-MIN)	DGSF (ACSP/ R-MIN)	DGF (ACSP/ R-MIN)	DGF (ACSP/ R-MIN)	DGF (ACSP- R-MIN)	DGF (ACSP- R-MIN)	DGF (ACSP- R-MIN)	DGF (ACSP- R-MIN)
2.4-2.5	RR&T R-MIN	RR&T R-MIN	DGSF (ACSP/ R-MIN)	DGSF (ACSP/ R-MIN)	DGF (ACSP/ R-MIN)	DGF (ACSP/ R-MIN)	DGF (ACSP- R-MIN)	DGF (ACSP- R-MIN)	DGF (ACSP- R-MIN)	DGF (ACSP- R-MIN)
2.2-2.3	RR&T R-MIN	RR&T R-MIN	RR&T R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN
<2.1	RR&T R-MIN	RR&T R-MIN	RR&T R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN	RSSR R-MIN

Notes:
A= Admit
A-BP= Admit to Bridge Program (Nonresident applicants should not be offered admission to the Bridge Program)
A-CSP= Admit to Comprehensive Studies Program
DGF= Delay for fall term grades
DSF= Delay for senior year SAT's or ACT's
DGSF= Delay for fall term grades and senior year SAT's or ACT's*(ORC)= Submit for ORC review for one of the options indicated
Pers. R= Reject (not qualified). Send a personal letter of rejection

*Usually not to be admitted. Consult with MM prior to any action.

Be very conservative in awarding SCUGA points: All students are expected to elect a demanding program. Applications falling outside the guidelines should be referred to MM before admissions if offered.

[illegible] delines LSA-LSA Charts/8-19-94 .

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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS
GUIDELINES FOR ALL TERMS OF 1995
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I. ADMISSION OF FRESHMEN

A. DEFINITION OF A FRESHMAN APPLICANT:

FTIAC (first time in any college). **A freshman is defined as an entering student who has never attended any college following high school graduation.** This definition includes students enrolling in the fall term who take college classes as guest students in the summer immediately preceding the fall semester. The definition also applies to students who enter with advanced standing by earning college credit through Advanced Placement Examinations, or courses taken at a college prior to high school graduation.

All other students will be designated as transfer students (Type 4) with Level (1, 2, 3, 4) being determined by the amount of transferable credit projected for the term of entry. This will include those freshman level students who attend college in the fall and apply for admission to LS&A for the winter semester. They will be coded as transfer students (Type 4) at the freshman level (Level 1) and be evaluated according to transfer guidelines for Winter 1995

B. OVERVIEW OF ADMISSION POLICIES (First Review)

1. TERMS OF ADMISSION

Admission to LS&A will be highly selective for all four semesters of the academic calendar. *Admission* is granted to applicants with *very competitive* credentials ON A

ROLLING BASIS from early fall to November 1 for winter semester, and until February 1 for spring, summer, and fall semesters.

Winter applicants who meet competitive criteria based on the Fall 1995 guidelines, or who were previously admitted, did not accept admission, and did not enroll in another institution for the fall term, will be admitted on a rolling basis through the November 1 equal consideration deadline.* All other applicants with lower credentials will be denied admission. There will be no postponed group for the winter term. (Note: It is necessary to delay for a final high school transcript if it has not been previously submitted. A decline in the senior year grades is cause to deny admission even if the student was admissible based on 10th and 11th year GPA.)

*Students with the same credentials who do enroll in another college for the fall semester will be coded as transfer students and admitted if there was is no problem with senior year grades.

Spring admissions standards require the same competitive criteria as for all other terms. Applications will be accepted through the February 1 equal consideration deadline. Students who do not meet the competitive guidelines will be denied admission. There will be no postponed pool for spring semester.

The summer and fall group of applicants whose credentials fall in the range designated as *qualified/non-competitive* will be *postponed* for a second review following the February 1 equal consideration deadline.

Summer and fall applicants whose credentials fall *below the guidelines set for postponed* applicants will be *denied* admission on the first review.

2. ASSIGNED REVIEWER

a. *Automatic Review.* Applicants whose credentials are at a pre-determined level will be processed by an Automatic Admit clerk from Central Services without counselor review and either admitted or denied admission. All automatically admitted students will have their essays and extracurricular activities reviewed by the counselor assigned to their high school following admission to identify any outstanding achievement. Because of the extremely strong academic credentials of these automatically admitted students, the essay and extracurricular information will not be a factor in admission.

b. *Counselor Reviewer.*

(1) Applications with GPA1 and test scores outside the Automatic Review ranges will be reviewed by a counselor.

(2) All applications from private high schools where the class rank has to

be estimated or adjusted will receive counselor review.

(3) All applications from underrepresented minority groups will be reviewed by counselors.

c. *SCUGA Guidelines.* SCUGA stands for *S*chool, *C*urriculum, *U*nusual, *G*eographic, and *A*lumni factors that are taken into consideration when reviewing applications. A combination of the SCUGA factors result in the GPA2 or Index which is used in determining what action to take on the student's application in the first review process. The SCUGA instructions and guidelines are located in a separate document and no longer part of the LS&A guidelines because other units also use them in developing the GPA2 Index.

3. GENERAL REQUIREMENTS

Decisions will be based on the following criteria:

a. <u>High School Graduation.</u>

(1) all freshman students are required to earn a high school diploma (or GED equivalent for older students) prior to enrolling in the College.

(2) Exceptions to the graduation requirement may be made for extremely gifted and brilliant students who meet YSEP standards and are admitted under those conditions. (Look in Table of

Contents for YSEP location in guidelines)

b. *Course Preparation.* All students are expected to take a demanding college preparatory curriculum in 9th through 12th grades. The following minimum preparation is suggested for all student applying for admission to LS&A: English – 4 years, foreign language – 2 years (recommended 4 years), mathematics – 3 years (through intermediate algebra), science – 3 years (2 laboratory science courses), social studies – 3 years, and 5 additional courses to earn a total of 20 units of study.

c. *Presidents Council Requirements.* Fall of 1995 is the year the Presidents Council Requirements go into effect. Students have been asked to list on page 3 of the application the number of courses they will have completed that meet the requirements.

(1) Counselors are to identify students who they postpone and are deficient in meeting the presidents Council Requirements by noting the deficiencies on the face of the application (e.g. Pres. Coun. defic. = 1 sem/yr soc stud).

(2) A copy of the face of the application is to be forward to MM for evaluation when we review applications from the postponed pool.

d. *SAT/ACT scores.*

(1) All freshman applicants are required to have their SAT/ACT scores sent directly from the testing agencies.

(2) The highest set of scores will be used to make the admission decision.

(3) A list of postponed applicants whose new scores bump them into the admit category will be run after the receipt of December test tapes. The applications of students who become admissible will be pulled from the files and given to the counselors to take action.

* * *

Office of Undergraduate Admissions **CONFIDENTIAL**
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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS GUIDELINES FOR ALL TERMS OF 1996

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LSA Freshman Guidelines - All 1996 Terms - TABLE I
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Instate and Legacy: First Review Decisions

In General, use the top row in each cell for majority applicants and the middle and bottom rows for underrepresented minorities and other disadvantaged students.

	0-17 400-840	18-19 850-920	20-21 930-1000	22-23 1010-1080	24-26 1090-1190	27-28 1200-1270	29-30 1280-1350	31-33 1360-1490	34-36 1500-1600
>4	rtst *	rtst A..ACSP.. ABP..DSP	rtst..PDTE A..ACSP DSP	PDTE..a A..ACSP	a A	A A	A A	A A	A A
3.8-3.9	rtst *	rtst A..ACSP.. ABP..DSP	rtst A..ACSP DSP	PDTE A..ACSP	a A..ACSP	A A	A A	A A	A A
3.6-3.7	rtst *	rtst A..ACSP.. ABP..DSP	rtst A..ACSP DSP	PDTE A..ACSP	PDTE A..ACSP	PDTE A	a A	a A	a A
3.4-3.5	rtst *	rtst A..ACSP.. ABP..DSP	rtst A..ACSP DSP	PDTE..rtst A..ACSP	PDTE A..ACSP	PDTE A	PDTE A	a A	a A
3.2-3.3	RTST *	RTST A..ACSP.. ABP..DSP	RTST A..ACSP DSP	rtst A..ACSP	PDTE..DSSR A..ACSP	PDTE..DSSR A..ACSP	PDTE..DSSR A..ACSP	PDTE..DSSR A	PDTE..DSSR A
3.0-3.1	RTST *	RTST A..ACSP.. ABP..DSP	RTST ACSP DSP	rr&t ACSP	rssr A..ACSP	rssr A..ACSP	rssr A..ACSP	rssr A..ACSP	PDTE..DSSR A..ACSP
2.8-2.9	RR&T *	RR&T DGSF (BP)	RR&T DGSP (ACSP)	rr&t DGP (ACSP)	rssr DGP (ACSP)	rssr DGP (ACSP)	rssr DGP (ACSP)	rssr DGP* (ACSP)	PDTE..DSSR DGP (ACSP)
2.6-2.7	RR&T *	RR&T DGSP (BP)	RR&T DGSP (ACSP.. R/MIN)	RR&T DGSP (BP)	RSSR DGP (BP)	RSSR DGP (BP)	RSSR DGP (BP)	RSSR DGP (BP)	rssr DGP (BP)
2.4-2.5	RR&T RR&T R/MIN	RR&T RR&T R/MIN	RR&T DGSP (BP)	RR&T DGSP (BP)	RSSR DGP (BP)	RSSR DGP (BP)	RSSR DGP (BP)	RSSR DGP (BP)	rssr DGP (BP)
≤ 2.3	RR&T RR&T R/MIN	RR&T RR&T R/MIN	RR&T RR&T R/MIN	RR&T RSSR R/MIN	RSSR RSSR R/MIN	RSSR RSSR R/MIN	RSSR RSSR R/MIN	RSSR RSSR R/MIN	rssr RSSR R/MIN

Generally, admit students at the 98% or 99% if there are no serious deficiencies. Generally, admit top 5% from counties other than Livingston, Macomb, Oakland, Washtenaw or Wayne if there are no serious deficiencies.
Discuss all exceptions for majority applicants that fall outside the guidelines with MM.
* Asterisk means usually not to be admitted. Discuss all exceptions for minority applicants that fall outside the guidelines with JV.
NOTE: All admits to Summer Bridge, must be approved by either GT, JV or MM before going to letter production.

UMA 005774

READING THE CELLS

A. TOP ROW
1. Majority decisions are made based on the acronym in top row of each cell. All admit or reject BOLD CAP markups are done automatically by clerks. Lower case admit and reject decisions are made by counselors. All decisions determined through SCUGA adjustments are made by counselors.
2. Due to the variety of Letters that can be ordered with a single Action code, the acronym in the top row of each cell is an Action code rather than a Letter code. Counselors need to refer to the accompanying Guide for Action/Letter combinations to determine the appropriate letter to order.
3. In the past few years, for expediency, we eliminated sending Delay for Grades (DGF)/Delay for Scores (DSF)/Delay for Grades and Scores (DGSF) letters to majority students in LSA and Engineering units. If the student's credentials fell in a postponed cell, we always entered a postponed (PDTE Action code) markup, and sent the Delay Decision (DD) letter. This year, counselors have the option to mark up either a PDTE Action Code and send the DD letter, or if they have concerns about the trend in a student's grades and need more information before determining what the Action should be, a DGF letter can be ordered requesting fall semester grades. The Action code for this delay is DSSR. Either PDTE or DSSR can be appropriate depending on the specific circumstances.

B. MIDDLE AND BOTTOM ROWS
1. Counselors use middle and bottom rows of a cell to make decisions on all underrepresented minority or other disadvantaged students.
2. The underrepresented minority and other disadvantaged student pool has several specific letters to send depending on each unique circumstance, and therefore,
3. The admit and delay acronyms on the middle and bottom rows of the cell are Letter codes, not Action codes. Counselors need to refer to the Guide for Action/Letter combinations to enter the correct Action code acronym.
4. The reject acronyms are Action codes with the R/MIN letter as the personalized reject letter to be sent.
5. The acronym in parenthesis is the letter to be sent if requested information is acceptable. Questions are to be referred to JV.

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LSA Freshman Guidelines - All 1996 Terms - TABLE II

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Out-of-State First Review Decisions

In General, use the top row in each cell for majority applicants and use the middle and bottom rows for underrepresented minorities and other disadvantaged students.

	0-17 400-840	18-19 850-920	20-21 930-1000	22-23 1010-1080	24-26 1090-1190	27-28 1200-1270	29-30 1280-1350	31-33 1360-1490	34-36 1500-1600
>4	rtat *	rtat A..ACSP DSF	rtat A..ACSP DSF	PDTE A..ACSP	a A	A A	A A	A A	A A
3.8-3.9	rtat *	rtat A..ACSP DSF	rtat A..ACSP DSF	PDTE A..ACSP	PDTE A..ACSP	A A	A A	A A	A A
3.6-3.7	rtat *	rtat A..ACSP DSF	rtat A..ACSP DSF	PDTE A..ACSP	PDTE A..ACSP	PDTE A	PDTE A	a A	a A
3.4-3.5	rtat *	rtat A..ACSP DSF	rtat A..ACSP DSF	rtat A..ACSP	PDTE A..ACSP	PDTE A	PDTE A	PDTE A	PDTE A
3.2-3.3	RTAT *	RTAT A..ACSP DSF	RTAT A..ACSP DSF	rtat A..ACSP	rasr A..ACSP	rasr A..ACSP	PDTE..DSSR A..ACSP	PDTE..DSSR A	PDTE..DSSR A
3.0-3.1	RTAT *	RTAT A..ACSP DSF	RTAT A..ACSP DSF	RTAT A..ACSP	rasr A..ACSP	rasr A..ACSP	rasr A..ACSP	rasr A..ACSP	PDTE..rasr A..ACSP
2.8-2.9	RRAT *	RRAT DGSP (ACSP.. R/MIN)	RRAT DGSP (ACSP)	RRAT DGF (ACSP)	RRAT DGF (ACSP)	RSSR DGF (ACSP)	rasr DGF (ACSP)	rasr DGF (ACSP)	PDTE..rasr DGF (ACSP)
2.6-2.7	RRAT *	RRAT DGSP (ACSP.. R/MIN)	RRAT DGSP (ACSP.. R/MIN)	RRAT DGSP (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	PDTE..rasr DGF (ACSP.. R/MIN)
2.4-2.5	RRAT RR&T R/MIN	RRAT RR&T R/MIN	RRAT DGSP (ACSP.. R/MIN)	RRAT DGSP (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	RSSR DGF (ACSP.. R/MIN)	rasr DGF (ACSP.. R/MIN)
≤ 2.3	RRAT RR&T R/MIN	RRAT RR&T R/MIN	RRAT RR&T R/MIN	RRAT RSSR R/MIN	RSSR RSSR R/MIN	RSSR RSSR R/MIN	RSSR RSSR R/MIN	RSSR RSSR R/MIN	rasr RSSR R/MIN

Generally, admit students at the 99% if there are no serious deficiencies.
Discuss all exceptions for majority applicants that fall outside the guidelines with MM.
* Asterisk - usually not to be admitted. Discuss all exceptions for minority applicants that fall outside the guidelines with JV.

Shared/GuidLines/LSA 96 LSA Chrts Out-of-State 95-96/9-95

READING THE CELLS

A. TOP ROW

1. Majority decisions are made based on the acronym in top row of each cell. All admit or reject BOLD CAP markups are done automatically by clerks. Lower case admit and reject decisions are made by counselors. All decisions determined through SCUGA adjustments are made by counselors.
2. Due to the variety of Letters that can be ordered with a single Action code, the acronym in the top row of each cell is an Action code rather than a Letter code. Counselors need to refer to the accompanying Guide for Action/Letter combinations to determine the appropriate letter to order.
3. In the past few years, for expediency, we eliminated sending Delay for Grades (DGF)/Delay for Scores (DSF)/Delay for Grades and Scores (DGSF) letters to majority students in LSA and Engineering units. If the student's credentials fell in a postponed cell, we always entered a postponed (PDTE Action code) markup, and sent the Delay Decision (DD) letter. This year, counselors have the option to mark up either a PDTE Action Code and send the DD letter, or if they have concerns about the trend in a student's grades and need more information before determining what the Action should be, a DGF letter can be ordered requesting fall semester grades. The Action code for this delay is DSSR. Either PDTE or DSSR can be appropriate depending on the specific circumstances.

B. MIDDLE AND BOTTOM ROWS

1. Counselors use middle and bottom rows of a cell to make decisions on all underrepresented minority or other disadvantaged students.
2. The underrepresented minority and other disadvantaged student pool has several specific letters to send depending on each unique circumstance, and therefore,
3. The admit and delay acronyms on the middle and bottom rows of the cell are Letter codes, not Action codes. Counselors need to refer to the Guide for Action/Letter combinations to enter the correct Action code acronym.
4. The reject acronyms are Action codes with the R/MIN letter as the personalized reject letter to be sent.
5. The acronym in parenthesis is the letter to be sent if requested information is acceptable. Questions are to be referred to JV.

LSA: MOST FREQUENTLY USED ACTION/LETTER CODES			
Action(s)	Letter ID	Prepared by:	Letterbook SECTION
A	A	ITD	Admit
A	A NOEDR	ITD	Admit
A	ABP	ITD	CSP
A	ABP NOEDR	ITD	CSP
A	ABPRC	ITD	CSP
A	ABPRCNEDR	ITD	CSP
A	ACSP	ITD	CSP
A	ACSPNOEDR	ITD	CSP
A	ACSPRC	ITD	CSP
A	ACSPRCNED	ITD	CSP
A	AINT	ITD	Admit
A	APH	ITD	Admit
A	APHINT	ITD	Admit
A	APHNOEDR	ITD	Admit
A	APHRC	ITD	Admit
A	APHRCNED	ITD	Admit
A	APHRCINT	ITD	Admit
A	APHRCINTNED	Computer	Admit
A	ARC	ITD	Admit
A	ARC NOEDR	ITD	Admit
A	NA	ITD	Admit
A	OTA	ITD	Admit
A	OTA-CSP	ITD	CSP
A	STA/CC/R	ITD	Admit
A	STA/NT	ITD	Admit
A	STA/NT NE	ITD	Admit
DCT/MCT, DOTH/MOTH, DR&T/MR&T, DSSR/MSSR, DTST/MTST, DELP/MELP	D	Computer	Postpone/ Delay

DIV, DOTH	IV	Computer	Postpone/ Delay
DOTH	CDF	ITD	Postpone/ Delay
DOTH	CDT	ITD	Postpone/ Delay
DOTH	DAB-L	Computer	Postpone/ Delay
DR&T	DGSF	ITD	Postpone/ Delay
DSRV	DSR	ITD	Postpone/ Delay
DSSR	DGF	ITD	Postpone/ Delay
DTST	DSF	ITD	Postpone/ Delay
None	BC	Preprint	Admit
None	C-L	Glossary	Admit
None	FPD	Computer	Admit
None	HC	ITD	Admit
None	RES	ITD	Misc.
None	RES-MIL	Computer	Misc.
None	RINT	ITD	Reject
None	YW/B	ITD	Admit
PDTE	DD	ITD	Postpone/ Delay
PDTE	PT	ITD	Postpone/ Delay
R, RCT, RELP, ROTH, RFAC, RSSR	RT	ITD	Reject
R, RELP, RIV, RR&T, RSSR, RTST, RFAC	R	ITD	Reject
R, RELP, RIV, RR&T, RSST, RTST	R/MIN	ITD	Reject & CSP

RCT, ROTH	CRT	ITD	Reject
RFAC, RSSR	FYR-L	ITD	Reject
WSSR, WCT, WTST, WELP, WIV, WAUD, WPRT, WRSP, WOTH	WDW	Computer	Withdrawal/ Cancel

Shared/Guidelines/LSA 96-LSA Action & Letter Codes/9-95

COLLEGE OF LITERATURE, SCIENCE AND THE ARTS
GUIDELINES FOR ALL TERMS OF 1996
CONFIDENTIAL

I. ADMISSION OF FRESHMEN

A. DEFINITION OF A FRESHMAN APPLICANT: FTIAC (first time in any college). **A freshman is defined as an entering student who has never attended any college following high school graduation.** This definition includes students enrolling in the fall term who take college classes as guest students in the summer immediately preceding the fall semester. The definition also applies to students who enter with advanced standing by earning college credit through Advanced Placement Examinations, or courses taken at a college prior to high school graduation.

All other students will be designated as transfer students (Type 4) with Level (1, 2, 3, 4) being determined by the amount of transferable credit projected for the term of entry. This will include those freshman level students who attend college in the fall and apply for admission to LSA for the winter semester. They will be coded as transfer students (Type 4) at the freshman level (Level 1) and be evaluated according to transfer guidelines for Winter *1996*

B. OVERVIEW OF ADMISSION POLICIES (First Review)

1. **TERMS OF ADMISSION**

Admission to LSA will be highly selective for all four semesters of the academic calendar. Admission is granted to applicants with very competitive credentials on a rolling basis from early fall to November 1 for winter semester, and until February 1 for spring, summer, and fall semesters.

Winter applicants who met competitive criteria based on the Fall *1996* guidelines, or who were previously admitted, did not accept admission, and did not enroll in another institution for the fall term, will be admitted on a rolling basis through the November 1 equal consideration deadline.* All other applicants with lower credentials will be denied admission. There will be no postponed group for the winter term. (Note: It is necessary to delay for a final high school transcript if it has not been previously submitted. A decline in the senior year grades is cause to deny admission even if the student was admissible based on 10th and 11th year GPA.)

*Students with the same credentials who do enroll in another college for the fall semester will be coded as transfer students and admitted if there was no problem with senior year grades.

Spring admissions standards require the same competitive criteria as for all other terms. Applications will be accepted through the February 1 equal consideration deadline.

Students who do not meet the competitive guidelines will be denied admission. There will be no postponed pool for spring semester.

The summer and fall group of applicants whose credentials fall in the range designated as qualified/non-competitive will be postponed for a second review following the February 1 equal consideration deadline.

Summer and fall applicants whose credentials fall below the guidelines set for postponed applicants will be denied admission on the first review.

2. **ASSIGNED REVIEWER**

a. Automatic Review. Applicants whose credentials are at a pre-determined level will be processed by an Automatic Admit clerk from Central Services without counselor review and either admitted or denied admission. All automatically admitted students will have their essays and extracurricular activities reviewed by the counselor assigned to their high school following admission to identify any outstanding achievement. Because of the extremely strong academic credentials of these automatically admitted students, the essay and extracurricular information will not be a factor in admission.

b. Counselor Reviewer.

(1) Applications with GPA1 and test scores outside the Automatic Review ranges will be reviewed by a counselor.

(2) All applications from private high schools where the class rank has to be estimated or adjusted will receive counselor review.

(3) All applications from underrepresented minority groups will be reviewed by counselors.

c. SCUGA Guidelines. SCUGA stands for School, Curriculum, Unusual, Geographic, and Alumni factors that are taken into consideration when reviewing applications. A combination of the SCUGA factors result in the GPA2 or Index which is used in determining what action to take on the student's application in the first review process. The SCUGA instructions and guidelines are located in a separate document and no longer part of the LSA guidelines because other units also use them in developing the GPA2 Index.

3. GENERAL REQUIREMENTS

Decisions will be based on the following criteria:

a. High School Graduation.

(1) *All* freshman students are required to earn a high school diploma (or GED equivalent for older students) prior to enrolling in the College.

(2) Exceptions to the graduation requirement may be made for extremely gifted and brilliant students

who meet YSEP standards and are admitted under those conditions. (Look in Table of Contents for YSEP location in guidelines)

(3) Home schooled students whose grades do not reflect a measure of accomplishment from participation in a typical classroom with other students, will have to satisfy additional standards which will assure they are as competitively admissible as students who attend public or private high schools. See MM for specific requirements.

b. Course Preparation. All students are expected to take a demanding college preparatory curriculum in 9th through 12th grades. The following minimum preparation is suggested for all student applying for admission to LSA: English – 4 years, foreign language – 2 years (recommended 4 years), mathematics – 3 years (through intermediate algebra), science – 3 years (2 laboratory science courses), social studies – 3 years, and 5 additional courses to earn a total of 20 units of study.

c. Presidents Council Requirements. *The Presidents Council Requirements went into effect in the Fall of 1995. Students have been asked to list on page 3 of the application the number of courses they will have completed that meet the requirements.*

(1) Deficiencies in the Presidents Council Requirements will be a factor taken into consideration during selection of students from the postponed pool.

d. SAT/ACT scores. (All SAT scores reflect the Recentered Scale)

(1) All freshman applicants are required to have their SAT/ACT scores sent directly from the testing agencies.

(2) The highest set of scores will be used to make the admission decision.

(3) A list of postponed applications whose new scores bump them into the admit category will be run *periodically after the receipt of fall test tapes*. The applications of students who become admissible will be pulled from the files and given to the counselors to take action.

* * *

Office of Undergraduate Admissions **CONFIDENTIAL**
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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS GUIDELINES FOR ALL TERMS OF 1997

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LSA Freshman Guidelines - 997 Terms - TABLE I

CONFIDENTIAL

Instate and Legacy: First Review Decisions

Use the action in the top row of the grid for students in general.
Use the action in the bottom row for students whose experiences reflect those in Area IV of the "U"nusual factor of SCUGA.

ACT/SAT Scores

Selection Index	01-19 400-920	20-21 930-1000	22-23 1010-1080	24-26 1090-1190	27-28 1200-1270	29-30 1280-1350	31-32 1360-1440	33-34 1450-1520	35-36 1530-1600
>4	dtst/e dtst/Δ	dtst/pdte dtst/a*	dtst/pdte/a dtst/a*	a a	A a	A a	A a	A a	A a
3.8-3.9	dtst/e dtst/Δ	dtst/pdte dtst/a*	dtst/pdte/a dtst/a*	a a*	A a	A a	A a	A a	A a
3.6-3.7	dtst/e dtst/Δ	dtst/pdte dtst/a*	dtst/pdte dtst/a*	pdte/a a*	pdte/a a*	a a*	a a*	a a*	a a*
3.4-3.5	dr&t/e dr&t/Δ	dr&t/pdte dr&t/a*	dr&t/pdte dr&t/a*	dr&t/pdte dr&t/a*	dssr/pdte dssr/a*	a a*	a a*	a a*	a a*
3.2-3.3	dr&t/e dr&t/Δ	dr&t/pdte dr&t/a*	dr&t/pdte dr&t/a*	dr&t/pdte dr&t/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*
3.0-3.1	dr&t/rr&t dr&t/Δ	dr&t/rr&t dr&t/a**	dr&t/rr&t dr&t/a**	dr&t/pdte dr&t/a**	dssr/pdte dssr/a**	dssr/pdte dssr/a**	dssr/pdte dssr/a**	dssr/pdte dssr/a**	dssr/pdte dssr/a**
2.8-2.9	RR&T rr&t	dr&t/rr&t dr&t/rr&t	dr&t/rr&t dr&t/rr&t	dr&t/rr&t dr&t/rr&t	dssr/rssr dssr/rssr	dssr/rssr dssr/rssr	dssr/pdte dssr/a**	dssr/pdte dssr/a**	dssr/pdte dssr/a**
2.6-2.7	RR&T rr&t	RR&T rr&t	RR&T rr&t	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr
2.4-2.5	RR&T rr&t	RR&T rr&t	RR&T rr&t	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr
≤ 2.3	RR&T rr&t	RR&T rr&t	RR&T rr&t	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr

Instructions

1. Decisions are made based on the action acronym of each cell. All admit or reject BOLD UPPER CASE markups are done automatically by clerks. Lower case admit and reject decisions are made by counselors. All decisions determined through SCUGA adjustments are made by counselors.
2. If there is more than one action on a line within a cell, the first option is usually the preferred action. If a delay for grades (dssr) is not indicated, a declining trend in grades would warrant delaying for fall term grades regardless of the designated action. Counselors need to refer to the accompanying Guide for Action/Letter combinations to determine the appropriate letter markup.

Legend for Actions in Table

A	Automatic admit
a	counselor admit
a*	CSP option
a**	Bridge option.
dr&t	delay for secondary school record and test scores
dssr	delay for secondary school record
dtst	delay for test scores
pdte	postpone
rr&t	reject secondary school record and test scores
rssr	reject for secondary school record
rtst	reject for test scores

Generally, admit students at the 98% or 99% if there are no serious deficiencies. Generally, admit top 5% from counties other than Livingston, Macomb, Oakland, Washtenaw or Wayne if there are no serious deficiencies.
a Means usually not to be admitted. Discuss all exceptions that fall outside the guidelines with MM.
Δ Means usually not to be admitted. Discuss all exceptions for Area IV "U" factor applicants that fall outside the guidelines with JV, GT, MM, TS or RS.

UMA ARCH

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LSA Freshman Guidelines - All 1997 Terms - TABLE II
CONFIDENTIAL
Out-of-State: First Review Decisions

Use the action in the top row of the grid for students in general.
Use the action in the bottom row for students whose experiences reflect those in Area IV of the "U"nusual factor of SCUGA.

ACT/SAT Scores

Selection Index	01-19 400-920	20-21 930-1000	22-23 1010-1080	24-26 1090-1190	27-28 1200-1270	29-30 1280-1350	31-32 1360-1440	33-34 1450-1520	35-36 1530-1600
>4	dtst/e dtst/Δ	dtst/pdte dtst/a*	dtst/pdte/a dtst/a*	a a	A a	A a	A a	A a	A a
3.8-3.9	dtst/e dtst/Δ	dtst/pdte dtst/a*	dtst/pdte dtst/a*	dtst/pdte a*	A a	A a	A a	A a	A a
3.6-3.7	dtst/e dtst/Δ	dtst/pdte dtst/a*	dtst/pdte dtst/a*	pdte a*	pdte a*	pdte a*	a a*	a a*	a a*
3.4-3.5	drst/e drst/Δ	drst/pdte drst/a*	drst/pdte drst/a*	drst/pdte drst/a*	dssr/pdte dssr/a*	dssr/pdte a*	dssr/pdte a*	dssr/pdte a*	dssr/pdte a*
3.2-3.3	drst/e drst/Δ	drst/pdte drst/a*	drst/pdte drst/a*	drst/pdte drst/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*	dssr/pdte dssr/a*
3.0-3.1	drst/rrst drst/Δ	drst/rrst drst/a*/ rrst	drst/rrst drst/a*/ rrst	drst/pdte drst/a*/ rrst	dssr/pdte dssr/a*/ rssr	dssr/pdte dssr/a*/ rssr	dssr/pdte dssr/a*/ rssr	dssr/pdte dssr/a*/ rssr	dssr/pdte dssr/a*/ rssr
2.8-2.9	RR&T rrst	drst/rrst drst/rrst	drst/rrst drst/rrst	drst/rrst drst/rrst	dssr/rssr dssr/rssr	dssr/rssr dssr/rssr	dssr/pdte dssr/rssr	dssr/pdte dssr/rssr	dssr/pdte dssr/rssr
2.6-2.7	RR&T rrst	RR&T rrst	RR&T rrst	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr
2.4-2.5	RR&T rrst	RR&T rrst	RR&T rrst	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr
≤ 2.3	RR&T rrst	RR&T rrst	RR&T rrst	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr	RSSR rssr

Generally, adm[illegible] rates at the 99% if there are no serious deficiencies.

Instructions

1. Decisions are made based on the action acronym of each cell. All admit or reject BOLD UPPER CASE markups are done automatically by clerks. Lower case admit and reject decisions are made by counselors. All decisions determined through SCUGA adjustments are made by counselors.
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A	A NOEDR	ITD	Admit
A	ABSUM	ITD	CSP
A	ABSUMNEDR	ITD	CSP
A	ABSUMRC	ITD	CSP
A	ABSUMRCNE	ITD	CSP
A	ACSP	ITD	CSP
A	ACSPNOEDR	ITD	CSP
A	ACSPRC	ITD	CSP
A	ACSPRCNED	ITD	CSP
A	AINT	ITD	Admit
A	APH	ITD	Admit
A	APHINT	ITD	Admit
A	APHNOEDR	ITD	Admit
A	APHRC	ITD	Admit
A	APHRCNED	ITD	Admit
A	APHRCINT	ITD	Admit
A	ARC	ITD	Admit
A	ARC NOEDR	ITD	Admit
A	NA	ITD	Admit
A	OTA	ITD	Admit
A	OTA-CSP	ITD	CSP
A	STA/CC/R	ITD	Admit
A	STA/NT	ITD	Admit
A	STA/NT NE	ITD	Admit
DCT/MCT, DOTH/MOTH, DR&T/MR&T, DSSR/MSSR, DTST/MTST, DELP/MELP	D	Computer	Postpone/ Delay

DIV, DOTH	IV	Computer	Postpone/ Delay
DOTH	CDF	ITD	Postpone/ Delay
DOTH	CDT	ITD	Postpone/ Delay
DOTH	DAB-L	Computer	Postpone/ Delay
DR&T	DGSF	ITD	Postpone/ Delay
DSRV	DSR	ITD	Postpone/ Delay
DSSR	DGF	ITD	Postpone/ Delay
DTST	DSF	ITD	Postpone/ Delay
None	BC	Preprint	Admit
None	C-L	Glossary	Admit
None	FPD	Computer	Admit
None	HC	ITD	Admit
None	RES	ITD	Misc.
None	RES-MIL	Computer	Misc.
None	RINT	ITD	Reject
None	YWB	ITD	Admit
PDTE	DD	ITD	Postpone/ Delay
PDTE	PT	ITD	Postpone/ Delay
R, RCT, RELP, ROTH, RFAC, RSSR	RT	ITD	Reject
R, RELP, RIV, RR&T, RSSR, RTST, RFAC	R	ITD	Reject
RCT, ROTH	CRT	ITD	Reject
RFAC, RSSR	FYR-L	ITD	Reject

WSSR, WCT, WTST, WELP, WIV, WAUD, WPRT, WRSP, WOTH	WDW	Computer	Withdrawal/ Cancel

I. ADMISSION OF FRESHMEN

A. DEFINITION OF A FRESHMAN APPLICANT: FTIAC (first time in any college). **A freshman is defined as an entering student who has never attended any college following high school graduation.** This definition includes students enrolling in the fall term who take college classes as guest students in the summer immediately preceding the fall semester. The definition also applies to students who enter with advanced standing by earning college credit through Advanced Placement Examinations, or courses taken at a college prior to high school graduation.

All other students will be designated as transfer students (Type 4) with Level (1, 2, 3, 4) being determined by the amount of transferable credit projected for the term of entry. This will include those freshman level students who attend college in the fall and apply for admission to LSA for the winter semester. They will be coded as transfer students (Type 4) at the freshman level (Level 1) and be evaluated according to transfer guidelines for Winter *1997*

B. OVERVIEW OF ADMISSION POLICIES (First Review)

1. **TERMS OF ADMISSION**

Admission to LSA will be highly selective for all four semesters of the academic calendar. Admission is granted to applicants with very competitive credentials on a rolling basis from early fall to November 1 for winter semester, and until February 1 for spring, summer, and fall semesters.

Winter applicants who met competitive criteria based on the Fall *1997* guidelines, or who were previously admitted, did not accept admission, and did not enroll in another institution for the fall term, will be admitted on a rolling basis through the November 1 equal consideration deadline.* All other applicants with lower credentials will be denied admission. There will be no deferred group for the winter term. (Note: It is necessary to delay for a final high school transcript if it has not been previously submitted. A decline in the senior year grades is cause to deny admission even if the student was admissible based on 10th and 11th year GPA.)

*Students with the same credentials who do enroll in another college for the fall semester will be coded as transfer students and admitted if there is no problem with senior year grades.

Spring admissions standards require the same competitive criteria as for all other terms. Applications will be accepted through the February 1 equal consideration deadline.

Students who do not meet the competitive guidelines will be denied admission. There will be no postponed pool for spring semester.

The summer and fall group of applicants whose credentials fall in the range designated as qualified/non-competitive will be postponed for a second review following the February 1 equal consideration deadline.

Summer and fall applicants whose credentials fall below the guidelines set for postponed applicants will be denied admission on the first review.

2. **ASSIGNED REVIEWER**

a. Automatic Review. Applicants whose credentials are at a pre-determined level will be processed by an Automatic Admit clerk from Central Services without counselor review and either admitted or denied admission. All automatically admitted students will have their essays and extracurricular activities reviewed by the counselor assigned to their high school following admission to identify any outstanding achievement. Because of the extremely strong academic credentials of these automatically admitted students, the essay and extracurricular information will not be a factor in admission.

b. Counselor Reviewer.

(1) Applications with GPA1 and test scores outside the Automatic Review ranges will be reviewed by a counselor.

(2) All applications from private high schools where the class rank has to be estimated or adjusted will receive counselor review.

(3) All applications from underrepresented minority groups will be reviewed by counselors.

c. SCUGA Guidelines. SCUGA stands for School, Curriculum, Unusual, Geographic, and Alumni factors that are taken into consideration when reviewing applications. A combination of the SCUGA factors result in the Selection Index (S.I.) which is used in determining what action to take on the student's application in the first review process. The SCUGA instructions and guidelines are located in a separate document.

3. GENERAL REQUIREMENTS

Decisions will be based on the following criteria:

a. **High School Graduation.**

(1) *All* freshman students are required to earn a high school diploma (or GED equivalent for older students) prior to enrolling in the College.

(2) Exceptions to the graduation requirement may be made for extremely gifted and brilliant students who meet YSEP standards and are admitted under

those conditions. (Look in Table of Contents for YSEP location in guidelines)

(3) *Home schooled students whose grades do not reflect a measure of accomplishment from participation in a typical classroom with other students, will have to provide additional evidence of preparation, such as earning scores on specific SAT II Subject exams at a level which will assure they are as competitively admissible as students who attend public or private high schools. See MM for specific requirements.*

b. Course Preparation. All students are expected to take a demanding college preparatory curriculum in 9th through 12th grades. The following minimum preparation is suggested for all student applying for admission to LSA: English – 4 years, foreign language – 2 years (recommended 4 years), mathematics – 3 years (through intermediate algebra), science – 3 years (2 laboratory science courses), social studies – 3 years, and 5 additional courses to earn a total of 20 units of study.

– *Presidents Council Requirements. The Presidents Council Requirements went into effect in the Fall of 1995. Students have been asked to list the number of courses they will have completed that meet the requirements on page 3 of the*

application. Deficiencies in the Presidents Council Requirements will be a factor taken into consideration during selection of students from the postponed pool.

c. Grade-Point Average. Grades earned in academic courses taken during the sophomore and junior years will be used in the first review of the application. Senior fall semester grades will be a factor for students who are postponed (deferred) for March review.

d. ACT/SAT I scores. (All SAT I scores reflect the Recentered Scale)

(1) All freshman applicants are required to have their ACT/SAT I scores sent directly from the testing agencies.

(2) The highest set of scores will be used to make the admission decision.

(3) A list of postponed applications whose new scores bump them into the admit category will be run *periodically after the receipt of fall test tapes*. The applications of students who become admissible will be pulled from the files and given to the counselors to take action.

* * *

UNDERGRA U OF M ADMISSION SYSTEM

TRANSACTION: APPLICATION INFORMATION RETRIEVE 10/28/97 14:55:02

OPTION: TRX: 6QU KEY: 3839841281AOA 150400890aa106962

QUESTION MARKS MEAN THAT A TABLE TRANSLATION CANNOT BE FOUND.

383 98 4128 1 GRATZ, JENNIFER, DENISE,/ S: F B: 09/03/77 C/V: US/GEOG: 281 WAYNE RES: 1 MICH RES EFFYYT:

CIVILRTS: 5 OPP: MIGRANT: ATHLETE: 00 ALUMNI: 0 MT: APPL RECEIVED: 01/12/95 ?

ENTRYTP 1 FRESH UNIT/SUB 5040 LSAIFX FIELD 0890 BIOMEDICAL SCIENCES

REG YYT: 962 FALL 95 PGMLVL1/2: 1 1 SUBFIELD: 000

1TERM: DUALDEG: PRFADMIT:

RPRTSCH: 233464 SOUTHGATE-ANDERSON HIGH S CEEB AP: N HONORS: PILOT:

UNIT ACT/MOD: RFAC R SPACE ACT DATE: 04/25/95 L/W PREF: 2 FEE HOLD:

SUBU ACT/MOD: EDR STAT: DATE: / /

COND ADM: SAT:V 000 M 000 TOT: 0000 00/00

GPA1/QL: 3.700 CAL HS%/QL: 96 CAL ACT:E 25 M 23 RD 27 SR 25 C 25: 06/94

GPA2/QL: 3.800 CRED: LTRS: R/EWLO RINT

12757 CHESTNUT DD

SOUTHGATE MI 48195 RODATE: 00/00/00

HOYYT: 000 OFAYYT: 000

UNDERGRA U OF M ADMISSION SYSTEM

TRANSACTION: APPLICATION INFORMATION RETRIEVE 10/28/97 15:24:51

OPTION: TRX: 6QU KEY: 3670230431AOA 150100910AA106982

367 02 3043 1 HAMACHER, PATRICK, H,/ S: M B: 03/30/79 C/V: US/GEOG: 224 GENESEE RES: 1 MICH RES EFFYYT:

CIVILRTS: 5 OPP: MIGRANT: ATHLETE: 00 ALUMNI: 1 NT:

APPL RECEIVED: 10/23/96 S. CARRANZA

ENTRYTP 1 FRESH UNIT/SUB 5010 LS & A FIELD 0910 BIOCHEMISTRY

REG YYT: 982 FALL 97 PGMLVL1/2: 1 1 SUBFIELD: 000

1TERM: DUALDEG: PRFADMIT:

RPRTSCH: 231490 L M POWERS CATHOLIC HIGH CEEB AP: N HONORS: PILOT:

UNIT ACT/MOD: RFAC R SPACE ACT DATE: 04/15/97 L/W PREF: 6 FEE HOLD:

SUBU ACT/MOD: EDR STAT: DATE: / /

COND ADM: SAT: V 000 M 000 TOT: 0000 00/00

GPA1/QL: 2.800 CAL HS%/QL: 56 CAL ACT:E 25 M 27 RD 28 SR 30 C 28: 04/96

GPA2/QL: 3.000 CRED: LTRS: R/EWLO/AL PF

2428 NORBERT STREET

FLINT MI 48504 RODATE: 00/00/00 HOYYT: 000
OFAYYT: 000

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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS GUIDELINES FOR ALL TERMS OF 1998

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College of Literature, Science, and the Arts
Selection Index Action Chart
1998

Instructions

Use student's individual Selection Index number from Selection Index Worksheet to determine action on the chart.

If there is more than one action listed, the first option is usually the preferred action.

Where actions are separated by "or" the counselor may choose whichever action he/she deems most appropriate. Where there is a choice of DSSR/PDTE, if declining grades or previous weak program, select DSSR; if the academic record has been consistent, select PDTE as the appropriate action. Be comfortable that the student is "qualified" when you postpone, since their application may be considered for admission from the postponed group later in the process. Counselors need to refer to the LSA Guide for Action/Letter combinations to determine the appropriate letter markup.

In-State:

- Generally, admit students at the 98% or 99% if there are no serious deficiencies.

- Generally admit top 5% from counties other than Livingston, Macomb, Oakland, Washtenaw or Wayne if there are no serious deficiencies.

Out-of-State:

- Generally, admit students at the 99% if there are no serious deficiencies.

Sel. Ind. #	Action
150 | 100	Admit
99 | 95	A/PDTE
94 | 90	PDTE/A
89 | 75	DSSR or DTST or DR&T or PDTE
74 ↓	DSSR or DTST or RSSR or RTST or RR&T

Key

A= Admit

DR&T= Delay for secondary school record and test scores.

DSSR= Delay for secondary school record.

DTST= Delay for test scores.

PDTE= Postpone

RR&T= Reject for secondary school record and test scores

RSSR= Reject for secondary school record

RTST= Reject for test scores

LSAS: MOST FREQUENTLY USED ACTION/LETTER CODES

Action(s)	Letter ID	Prepared by:	Letterbook SECTION
A	A	ITD	Admit
A	A NOEDR	ITD	Admit
A	ABSUM	ITD	CSP
A	ABSUMNEDR	ITD	CSP
A	ABSUMRC	ITD	CSP
A	ABSUMRCNE	ITD	CSP
A	ACSP	ITD	CSP
A	ACSPNOEDR	ITD	CSP
A	ACSPRC	ITD	CSP
A	ACSPRCNED	ITD	CSP
A	AINT	ITD	Admit
A	APH	ITD	Admit
A	APHINT	ITD	Admit
A	APHNOEDR	ITD	Admit
A	APHRC	ITD	Admit
A	APHRCNED	ITD	Admit
A	APHRCINT	ITD	Admit
A	ARC	ITD	Admit
A	ARC NOEDR	ITD	Admit
A	NA	ITD	Admit
A	OTA	ITD	Admit
A	OTA-CSP	ITD	CSP
A	STA/CC/R	ITD	Admit
A	STA/NT	ITD	Admit
A	STA/NT NE	ITD	Admit
A	TA	ITD	Admit
DCT/MCT, DOTH/MOTH, DR&T/MR&T, DSSR/MSSR, DTST/MTST, DELP/MELP	D	Computer	Postpone/ Delay
DIV, DOTH	IV	Computer	Postpone/ Delay
DOTH	CDF	ITD	Postpone/ Delay
DOTH	CDT	ITD	Postpone/ Delay
DOTH	DAB-L	Computer	Postpone/ Delay
DR&T	DGSF	ITD	Postpone/ Delay
DSRV	DSR	ITD	Postpone/ Delay
DSSR	DGF	ITD	Postpone/ Delay
DTST	DSF	ITD	Postpone/ Delay
None	BC	Preprint	Admit
None	C-L	Glossary	Admit
None	FPD	Computer	Admit
None	HC	ITD	Admit
None	RES	ITD	Misc.
None	RES-MIL	Computer	Misc.
None	RINT	ITD	Reject
None	YWB	ITD	Admit
PDTE	PF	ITD	Postpone/ Delay
PDTE	PT	ITD	Postpone/ Delay
R, RCT, RELP, ROTH, RFAC, RSSR	RT	ITD	Reject
R, RELP, RIV, RR&T, RSSR, RTST, RFAC	R	ITD	Reject
RCT, ROTH	CRT	ITD	Reject
RFAC, RSSR	FYR-L	ITD	Reject

WSSR, WCT, WTST, WELP, WIV, WAUD, WPRT, WRSP, WOTH	WDW	Computer	Withdrawal/ Cancel
Shared/Guidelines/LSA 98-LSA Action & Letter Codes/9-22-97			

I. ADMISSION OF FRESHMEN

A. DEFINITION OF A FRESHMAN APPLICANT: FTIAC (first time in any college). **A freshman is defined as an entering student who has never attended any college following high school graduation.** This definition includes students enrolling in the fall term who take college classes as guest students in the summer immediately preceding the fall semester. The definition also applies to students who enter with advanced standing by earning college credit through Advanced Placement Examinations, or courses taken at a college prior to high school graduation.

All other students will be designated as transfer students (Type 4) with Level (1, 2, 3, 4) being determined by the amount of transferable credit projected for the term of entry. This will include those freshman level students who attend college in the fall and apply for admission to LSA for the winter semester. They will be coded as transfer students (Type 4) at the freshman level (Level 1) and be evaluated according to transfer guidelines for Winter *1998*

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1. **TERMS OF ADMISSION**

Admission to LSA will be highly selective for all four semesters of the academic calendar. Admission is granted to applicants with very competitive credentials on a rolling basis from early fall to November 1 for winter semester, and until February 1 for spring, summer, and fall semesters.

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*Students with the same credentials who do enroll in another college for the fall semester will be coded as transfer students and admitted if there was no decline in senior year grades.

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Students who do not meet the competitive guidelines will be denied admission. There will be no postponed pool for spring semester.

The summer and fall group of applicants whose credentials fall in the range designated as qualified/non-competitive will be postponed for a second review following the February 1 equal consideration deadline.

Summer and fall applicants whose credentials fall below the guidelines set for postponed applicants will be denied admission on the first review.

2. **ASSIGNED REVIEWER**

a. Automatic Review. Applicants whose credentials are at a pre-determined level will be processed by an Automatic Admit clerk from Central Services without counselor review and either admitted or denied admission. All automatically admitted students will have their essays and extracurricular activities reviewed by the counselor assigned to their high school following admission to identify any outstanding achievement. Because of the extremely strong academic credentials of the automatically admitted students, the essay and extracurricular information will not be a factor in admission.

b. Counselor Reviewer.

(1) Applications with UM computed GPA (hereafter called GPA) and test scores outside the Automatic

Review ranges will be reviewed by a counselor.

(2) All applications from private high schools where the class rank has to be estimated or adjusted will receive counselor review.

(3) All applications from underrepresented minority identity or educatoin and from socioeconomically disadvantaged background or education groups will be reviewed by counselors.

3. **GENERAL REQUIREMENTS**

Decisions will be based on the following criteria:

a. High School Graduation.

(1) *All* freshman students are required to earn a high school diploma (or GED equivalent for older students) prior to enrolling in the College.

(2) Exceptions to the graduation requirement may be made for extremely gifted and brilliant students who meet YSEP standards and are admitted under those conditions. (Look in Table of Contents for YSEP location in guidelines)

(3) Home schooled students whose grades do not reflect a measure of accomplishment from participation in a typical classroom with other students, will have to provide additional evidence of preparation,

such as earning scores on specific SAT II Subject exams at a level which will assure they are as competitively admissible as students who attend public or private high schools. Home schooled students will be assigned to OUA liaison, Marilyn McKinney.

b. Course Preparation. All students are expected to take a demanding college preparatory curriculum in 9th through 12th grades. The following minimum preparation is suggested for all student applying for admission to LSA: English – 4 years, foreign language – 2 years (recommended 4 years), mathematics – 3 years (through intermediate algebra), science – 3 years (2 laboratory science courses), social studies – 3 years, and 5 additional courses to earn a total of 20 units of study.

c. Grade-Point Average. Grades earned in academic courses taken during the sophomore and junior years will be used in the first review of the application. Senior fall semester grades will be a factor for students who are postponed (deferred) for March review.

d. ACT/SAT I scores. (All SAT I scores reflect the Recentered Scale)

(1) All freshman applicants are required to have their ACT/SAT I scores sent directly from the testing agencies.

(2) The highest set of scores will be used to make the admission decision.

(3) A list of postponed applicants whose new scores bump them into the admit category will be run *periodically after the receipt of additional test tapes*. The applications of students who become admissible will be pulled from the files and given to the counselors to take action.

4. SELECTION INDEX

Admission is based on several factors that combine to produce a freshman class that provides a mixture of attributes and characteristics valued by the University. The process for building the class is found in the Guidelines for the Calculation of a Selection Index 1998. The guidelines are to be used to determine a Selection Index number which will be matched to the action column on the 1998 College of LSA Selection Index Action Chart to determine the appropriate action to take on each application. An appropriate letter markup is to be selected from the LSA: Most Frequently Used Action/Letter Codes sheet on page 2 of the LSA Guidelines or by referring to the Letter Book.

* * *

1998 Guidelines for the Calculation of a Selection Index for all Schools and Colleges Except Engineering

The Guidelines for the Calculation of a Selection Index are an attempt to give some standardization to decisions made by many different counselors on many different applications. We recognize that all communities, schools, populations, course offerings, grading practices, personal circumstances, etc. are not the same. We want to make justifiable decisions that blend the consistency of a formula with the flexibility of a review that is ultimately a matter of human judgment and which must adapt to a "rolling admissions" process.

Admissions is more art than science, and these guidelines should not be read otherwise. These guidelines contain limited descriptions of the rationales behind the Index categories and factors. Obviously, the rationales and the appropriate application of these factors in all situations are too complex to be completely described by this type of document. If you require a more detailed discussion of the rationales or the application of a factor is troublesome in any particular case, you should discuss the matter with your team leader.

The Selection Index has a maximum value of 150 points, with the final score for an applicant representing the cumulative attributes that the individual will bring to the incoming freshman class. Fully ⅔ of the points of the Selection Index are attributable to academics. When test scores are added to the academics, only 27% of the maximum possible points are derived from other factors that assist in enrolling students who will provide a mixture of

attributes and characteristics valued by the University. It is our sincere belief that this mixture contributes to the education of our students, as well as fulfills the University's mission to prepare society's future citizens and leaders.

The Selection Index for an applicant is a summation of points assigned to factors in one of three categories: Test Score, Academic, and Other Factors. The Test Score category consists of up to 12 points based on the applicant's best ACT or SAT test score from any one sitting. Up to 98 points can be received in the Academic category, based on the academic unweighted Grade Point Average (GPA), the category of school attended ("S" factor), and the strength or weakness of the curriculum ("C" factor). Lastly, an applicant may receive up to 40 points in the Other Factors category, with the individual factors described in later sections of this document. Thus, a student can receive up to 110 points on factors in the Test Score and Academic categories of his or her application and up to 40 points from the Other Factors component.

The Selection Index reflects a variety of factors in the applicant's file that are not considered in the UM-computed academic unweighted GPA. Both the UM-computed GPA and the Selection Index will be entered into the system and can be accessed on the QU screen on DSC.

Counselors must always circle or enter the appropriate points for the various factors on the coding worksheet and the sum as the Selection Index. Any unusual circumstance should be noted and stapled to the application in a prominent place.

ACADEMIC

The Academic category is comprised of the GPA, school, and curriculum factors.

Grade Point Average

The UM-computed GPA (calculated from 10th and 11th grade academic courses) is multiplied by 20 to determine the applicant's score for this factor. The Selection Index Worksheet has a table of the multiples of 20 from a 1.7 to 4.0 GPA. Note that an applicant can score up to 80 points, which constitutes 53% of the possible 150 points an applicant can receive.

S (school) Factor

Schools are not ranked throughout the state or country but are given a classification based on their school profile and academic information. The school factor acknowledges that we do consider various factors in our decisions that reflect the differences among schools.

Keep a disk and hard copy of your schools and their respective classifications. Counselors should add new schools to the list as the year progresses and collect the high school profiles of schools that are already on the list. The same S factor should normally be applied to all applicants from the same school, unless an applicant has attended schools with different S factors. At the end of the application review season, update your S factor list based on the high school profiles. Turn in the additions and revisions to the secretary responsible for updating the entire file for the next season of application review.

The S factor is based on the number of AP/IB courses offered at the school, the percentage of students attending two and four year colleges, and average SAT/ACT scores. The school profile is the primary source of such data. Resist the temptation of being generous when the school is just a little short of the expected level. There will be some schools in every category (S factor) that just make a certain level and some that just miss a higher level. Additional information such as above average academic performance of a school's students based on UM first year follow-up reports could move the school upward. **A code of "E" will be entered on the Master Chart indicating such an exception.**

The guide below is based on the averages of over 300 schools. Each counselor should be able to exercise judgment as to the S factor for schools in their territory. Remember the S factor relates to the strength of the school – not just a special group within that school. *In most cases, the AP/IB figure is the starting point.* Then, you should determine if the College Bound and SAT/ACT statistics substantiate the S points. A strong record at UM, SAT II Subject tests, AP/IB scores, the school's curriculum guide, and other information will help in making an appropriate decision. Schools with a factor of 4 or 5 must be exceptionally strong and are very rare in general, and more so among public schools. Conversely, there are many private schools that should be less than a factor of 2.

Note: The 1996 High School Profiles and SAT I scores listed below are based on **Recentered** scores.

S = 0 Very few or no Honors or AP courses. Less than 50% attend college. SAT I average below 1040 and ACT below 22.

S = 1 At least 7 AP/IB courses. Seventy-five percent attend college. SAT I average range of 1050-1080 and ACT below 23.

S = 2 At least 9 AP/IB courses. Strong honors or advanced courses. Eighty-five percent attend college. SAT I average range of 1130-1160 or ACT average of 25.

S = 3 At least 11 AP/IB courses. Many Honors or rigorous courses. SAT II subject scores of ≥ 610 and/or impressive results on AP exams support high level of learning. Ninety-five percent attend college. SAT I average range of 1200-1230 or ACT average of 27.

S = 4 At least 12 AP/IB. Strong AP record even when courses are not always called AP. Look for exams taken. Course grades tend not to cluster at the highest end of the scale. Look at distribution of grades and scores. Many records include SAT II subject scores that tend to be in the 710+ range. Ninety-nine percent attend college. List would include many competitive colleges. SAT I average range of 1240-1270 or ACT average of 28.

S = 5 At least 13 AP/IB. Impressive number of high SAT II subject scores. Many National Merit winners. Curriculum reads like the 1st and 2nd year at a typical liberal art college. Students receive 4's & 5's on AP. Grades tend to cluster in the mid-range of the scale. Counselor comments indicate real differences in a PLUS/MINUS grading system. Students have gone in depth into an area of study. Often including foreign study rather than just travel. Ninety-nine percent attend college. List would include many highly competitive/selective colleges. SAT I average range of 1320+ or ACT average of 30.

If you need help in determining an appropriate S factor due to wide variations in selection criteria, bring your data to MM, and we will assign an appropriate S factor.

The conversion of S factors to Selection Index points is on the Selection Index Worksheet.

C (curriculum) Factor

Given the wide disparity in high school course selection and offerings, it is imperative that the choice of strong courses, particularly clearly identified Honors and AP/IB, be considered in the review process. It is unfair to reward a student with admission who has elected a mediocre curriculum (sometimes for as many as four years during high school), while punishing by postponements those with stronger programs. Achievement of a respectable GPA in a demanding and challenging program more often represents high motivation and commitment than a contrived, inflated GPA in a weak curriculum. The strong program also better prepares the student for the quality of work expected at the University of Michigan. All students are expected to elect at least four traditional college preparatory subjects each semester. Those with less should be deferred upon first review even if GPA and test score place them in the Admit range.

The starting point for any applicant is zero points for a strong academic program, consisting of 19 academic courses in grades 9-12. Do not include art, business, computer application, drafting, engineering, music, typing, or vocational courses as academics. Only count English, foreign languages, mathematics, science, social science,

and computer programming (Fortran, Basic, C, Pascal) courses as academics.

Make sure that there is a reasonable degree of integrity in the school's definition of "Honors" courses. In general, you can calculate 2 honors and/or accelerated courses to equal 1 AP/IB course, so long as the honors courses at that school are not equal to or as demanding as the AP/IB courses. A statement from the high school such as "This would be Honors at another school" or "Faculty policy precludes such a label" *does not* qualify for our inclusion as an "honors" course and should not be counted. Use your knowledge (not assumptions) about what different labels used by the schools mean in this area. Tracks, phase, core, level, advanced, etc. do not always mean "advanced" when thinking of such courses as being for those whose course background has been strong, have received high grades, or are selected to participate and write the AP Exams.

When making your computation of number of academics and honors/AP: Do NOT round up! Also, take into consideration a downward trend in grades and/or weak course selection.

C = -2 Very weak academic program, relative to what is offered in the school, less than 15 academic courses in grades 9-12. Three or fewer academics in senior year. No honors or AP. Use judgment. Admission doubtful.

C = -1 Weak academic program, relative to what is offered in the school, no honors or AP, 15-18 academics in grades 9-12. Use judgment.

C = 0 Average to strong academic program, one AP/IB or 1-3 honors, at least 19 academic courses in grades 9-12.

C = 1 For a *very strong* program. 2-3 AP/IB or 4-7 honors in year long courses and at least 19 academic courses in grades 9-12.

C = 2 For an *unusually strong* program. 4-5 AP/IB or 8-11 honors in year long courses *and* at least 19 academic courses in grades 9-12.

C = 3 For a *superior* program. 6 or 7 AP/IB or 12-15 honors in year long courses *and* at least 20 academic courses in grades 9-12.

C = 4 A *fantastic* program. 8+ AP/IB or 16+ honors in year long courses *and* at least 20 academic courses in grades 9-12.

The conversion of C factors to Selection Index points is on the Selection Index Worksheet.

TEST SCORE

An applicant may receive one of five established point totals for the best score of the ACT or SAT from any one exam. Do not add the best verbal and best math subscores from two different exam dates together. The points are assigned to the following ranges of scores:

Points	ACT	SAT
0	01-19	400-920
6	20-21	930-1000
10	22-26	1010-1190
11	27-30	1200-1350
12	31-36	1360-1600

Note that an applicant having a test score in the zero points range for the Test Score category, even if admissible due to a very strong score in the Academic category, is likely to have a difficult time succeeding without substantial academic assistance. Thus, the counselor should consider such an applicant as a candidate for the Summer Bridge Program. Summer Bridge is open to Michigan residents only.

OTHER FACTORS

When reviewing an applicant's file, please circle and/or award all points that apply to the factors constituting the Other Factors category. **However, a total of 40 points is the maximum that can be added to the Selection Index score for the Other Factors category. Moreover, no applicant can receive points for more than one of the following factors: socioeconomically disadvantaged student or education, underrepresented racial/ethnic minority identity or education, an officially recruited athlete, Provost's discretion, or professional diversity.**

Geography

An applicant may receive points for residency in one or more of three special geographic areas. An instate student may receive a maximum of 16 points, while an out-of-state student may receive only 2 points, if residing in a designated state.

Michigan Residency: As a public institution supported by the citizens of Michigan, it is important that our incoming freshman class have a large representation of students

from Michigan. To achieve that goal, each Michigan resident is awarded 10 points.

Residency in an Underrepresented County: The vast majority of enrolling incoming freshmen are from the southern counties of Michigan. To promote interaction among students from all parts of the state, applicants from northern Michigan (defined as counties including and north of Oceana, Newaygo, Mecosta, Clare, Gladwin, and Arenac counties), rural areas, and small communities that are separated geographically and/or culturally from more populated areas, will be awarded 6 points. Applicants from the following areas should receive these points:

Lower Peninsula

Alcona	Gladwin	Montmorency
Alpena	Grand Traverse	Newaygo
Antrium	Iosco	Oceana
Arenac	Kalkaska	Ogemaw
Benzie	Lake	Osceola
Cheboygan	Leelaunau	Oscoda
Charlevoix	Manistee	Otsego
Clare	Mason	Presque Isle
Crawford	Mecosta	Roscommon

Upper Peninsula

Alger	Gogebic	Mackinac
Baraga	Houghton	Menominee
Chippewa	Iron	Ontonagon
Delta	Keweenaw	Schoolcraft
Dickinson	Luce	

Residency in a state from a region which is underrepresented at the University of Michigan: Applicants from western states (beyond Missouri, Iowa, Minnesota) except

California and southern states below Virginia and Tennessee (except for Florida and Texas) are awarded 2 points. Students who are residents of the following states can receive these points:

Alabama	Kansas	North Dakota
Alaska	Louisiana	Oklahoma
Arizona	Mississippi	Oregon
Arkansas	Montana	South Carolina
Colorado	Nebraska	South Dakota
Georgia	Nevada	Utah
Hawaii	New Mexico	Washington
Idaho	North Carolina	Wyoming

International students are not awarded any geographic factor points.

Alumni Relationships

To recognize the continuing service and support provided to the University, points will be awarded for certain alumni relationships:

Legacy – The applicant, whose parent or step-parent attended UM-Ann Arbor as degree-seeking students, should be awarded 4 points.

or

Other Alumni Relationships – The applicant, whose grandparents, siblings, or spouse attended UM-Ann Arbor as degree seeking students, should be awarded 1 point.

Points cannot be awarded for both categories.

Essay

The essay is required. If the essay is missing, the application is incomplete and cannot be marked up for admission. The essay will be evaluated for content, style, originality, and risk. One point may be awarded for an outstanding essay.

Personal Achievement

Points for Personal Achievement will be based on information provided on page 3 of the application, item 31, "Activities, Work Experience and Awards", as well as other information provided with the application. The applicant must demonstrate a state, regional, or national level of achievement in academic competitions, art, athletics (applies to non-recruited athletes only), music, professional theater, or science. Remember, most applicants to UM are very active students in leadership positions, sports activities, social clubs, etc. in their high schools and local communities. Involvement in these activities is not unusual and is normal for the applicant pool. The Personal Achievement factor is **not to be used as** compensation for weaker academic achievement attributed to overinvolvement in non-academic activities.

Examples of personal achievements include a National Science Foundation Award; Westinghouse Scholars; state, regional, or national recognition in an academic competition (e.g., forensics); state, regional, or national recognition as an athlete; placing in a state, regional, or national art show; having writing published in a state, regionally, or nationally recognized magazine or journal; or professional theater experience. Do not award points for

personal achievement at the local level – that level of accomplishment is normal within the applicant pool.

Counselors should have some validation of the achievement such as high school counselor confirmation, copy of award certificate, newspaper clipping, etc.

Points	
1	State level achievement
3	Regional level achievement
5	National level achievement

Leadership and Service

Points for Leadership will be based on information provided on page 3 of the application, item 31. "Activities, Work Experience and Awards", as well as other information provided with the application. The applicant must demonstrate a state, regional, or national level of achievement. Remember, most applicants to UM are very active students in leadership positions, sports activities, social clubs, etc. Active involvement in these activities is not unusual and is normal for the applicant pool. The Leadership and Service factor **is not to be used** as compensation for weaker academic achievement attributed to over-involvement in non-academic activities.

Examples of strong leadership include elected positions at Girls' or Boys' State, a unique initiative in a community endeavor resulting in special recognition, state or service club award, or successful entrepreneurship.

Points	
1	State level achievement
3	Regional level achievement
5	National level achievement

Socioeconomically Disadvantaged Student or Education

The University is committed to a rich educational experience for its students, which should include interaction with students of all socioeconomic backgrounds. A diverse, as opposed to a homogeneous, student population enhances the education experience for all students. Consequently, 20 points will be awarded to an applicant who:

> is socioeconomically disadvantaged, with indicators such as parents' occupations, single parent upbringing, a deceased parent, necessary excessive work hours while attending school, overcoming extraordinary obstacles, such as abuse, or homelessness; or
>
> is a student educated in a high school serving a population that is predominantly socioeconomically disadvantaged.

Underrepresented Racial/Ethnic Minority Identity or Education

The University is committed to an educational experience that involves students interacting with other students of different races and ethnicities than their own. Consequently, 20 points will be awarded to an applicant who:

> is a member of a federally recognized underrepresented race or ethnicity, which is also underrepresented on the UM Ann Arbor campus; or
>
> is a student educated in a high school serving a population that is predominantly comprised of federally recognized underrepresented races and/or ethnicities, which are also underrepresented on the UM Ann Arbor campus.

Scholarship Athlete

In anticipation of their contributions to the University and in recognition of the tradition and national prominence of Michigan intercollegiate athletics, applicants being officially recruited and considered for athletic scholarships should have 20 points added to their score.

Provost's Discretion

At the discretion of the Provost (only), up to an additional 20 points may be awarded to an applicant.

Professional Diversity

Over time, some professions have become composed predominantly of one gender or another. The School of Nursing has identified a need to enroll more members of an underrepresented gender to enhance its educational environment and to improve the diversity within its profession. A counselor should award 5 points to those applicants who are men apply to the School of Nursing. (See the Guidelines for Calculation of an Engineering Selection Index for the Professional Diversity points awarded for women applicants to the College of Engineering.)

Place student label here or fill in the following information

Name _____
SIN _____
Unit _____
Term _____

Confidential

Selection Index Worksheet

(For LS&A and selected Schools and Divisions, other than Engineering)

For Internal Use Only

	Points (circle)	ACADEMIC
GPA	40	2.0
	42	2.1
	44	2.2
	46	2.3
	48	2.4
	50	2.5
	52	2.6
	54	2.7
	56	2.8
	58	2.9
	60	3.0
	62	3.1
	64	3.2
	66	3.3
	68	3.4
	70	3.5
	72	3.6
	74	3.7
	76	3.8
	78	3.9
	80	4.0
School Factor	0	0
	2	1
	4	2
	6	3
	8	4
	10	5
Curriculum Factor	-4	-2
	-2	-1
	0	0
	2	1
	4	2
	6	3
	8	4

	Points (circle one)	TEST SCORE	
ACT/ SAT I	0	01-19	400-920
	6	20-21	930-1000
	10	22-26	1010-1190
	11	27-30	1200-1350
	12	31-36	1360-1600

Add points in this column for sub score 1

Points (circle)		OTHER FACTORS (*Maximum 40 points*)
Geography		
10		Michigan Resident
6		Underrepresented Michigan County
2		Underrepresented State
Alumni		
4	*Assign only 1 option*	Legacy (*parents / stepparents*) or
1		Other (*grandparents, siblings, spouses*)
Essay		
1		Outstanding Essay
Personal Achievement		
1	*Assign only 1 option*	State
3		Regional
5		National
Leadership & Service		
1	*Assign only 1 option*	State
3		Regional
5		National
Miscellaneous		
20		Socio-economic Disadvantage
20		Underrepresented Racial/Ethnic Minority Identification or Education
5	*Assign only 1 option*	Men in Nursing
20		Scholarship Athlete (*assigned by athletic counselor only*)
20		Provost's Discretion

Add points in this column for sub score 2

TOTAL

Sub score 1 + Sub score 2 = Selection Index

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JENNIFER GRATZ, and PATRICK HAMACHER, and all others similarly situated,

Plaintiffs,

vs.

LEE BOLLINGER, JAMES DUDERSTADT, THE UNIVERSITY OF MICHIGAN, and THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, ARTS, AND SCIENCE,

Defendants,

and

EBONY PATTERSON, RUBEN MARTINEZ, LAURENT CRENSHAW, KARLA R. WILLIAMS, LARRY BROWN, TIFFANY HALL, KRISTEN M.J. HARRIS, MICHAEL SMITH, KHYLA CRAINE, NYAH CARMICHAEL, SHANNA DUBOSE, EBONY DAVIS, NICOLE BREWER, KARLA HARLIN, BRIAN HARRIS, KATRINA GIPSON, CANDICE B.N. REYNOLDS, by and through their parents or guardians, DENISE

Civil Action No. 97-75231
Hon. Patrick J. Duggan

ANSWER

PATTERSON, MOISE MARTINEZ, LARRY CRENSHAW, HARRY J. WLLIAMS, PATRICIA SWAN-BROWN, KAREN A. MCDONALD, LINDA A. HARRIS, DEANNA A. SMITH, ALICE BRENNAN, IVY RENE CHARMICHAEL, SARAH L. DUBOSE, INGER DAVIS, BARBARA DAWSON, ROY D. HARLIN, WYATT G. HARRIS, GEORGE C. GIPSON, SHAWN R. REYNOLDS, AND CITIZENS FOR AFFIRMATIVE ACTION'S PRESERVATION,

Defendant-Intervenors.

ANSWER OF INTERVENING DEFENDANTS

NOW COME intervening defendants, Ebony Patterson, Ruben Martinez, Laurent Crenshaw, Karla R. Williams, Larry Brown, Tiffany Hall, Kristen M.J. Harris, Michael Smith, Khyla Craine, Nyah Carmichael, Shanna DuBose, Ebony Davis, Nicole Brewer, Karla Harlin, Brian Harris, Katrina Gipson, Candice B.N. Reynolds[1], and

[1] The individual applicants are minors who move to intervene by their parents or guardians, respectively, Denise Patterson, Moises Martinez, Larry Crenshaw, Harry J. Williams, Patricia Swan-Brown, Karen A. McDonald, Linda A. Harris, Deanna Smith, Alice Brennan, Ivy Rene Carmichael, Sarah L. DuBose, Inger Davis, Barbara Dawson, Roy D. Harlin, Wyatt G. Harris, George C. Gipson, and Shawn R. Reynolds.

Citizens for Affirmative Action's Preservation ("CAAP") and answer the Complaint. Except as hereafter expressly admitted, qualified, or otherwise admitted, intervening defendants specifically deny each and every allegation contained in the Complaint. Intervening defendants respond to the numbered allegations in the Complaint on personal knowledge or on information and belief as to other matters, as follows:

1. No response is required to the allegations in paragraph 1 of the complaint, which are the plaintiff's characterizations of their clients.

2. Intervening defendants deny the allegations in paragraph 2 of the Complaint.

3. Intervening defendants admit that, to the extent that the Court has subject-matter jurisdiction, venue is proper in this Court. Intervening defendants deny all of the remaining allegations in paragraph 3 of the Complaint.

4. Intervening defendants neither admit nor deny the allegations in paragraph 4 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

5. Intervening defendants neither admit nor deny the allegations in paragraph 5 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

6. Intervening defendants admit the allegations in the first sentence of paragraph 6 of the Complaint. Intervening defendants neither admit nor deny the remaining allegations in paragraph 6 of the Complaint, lacking knowledge or information sufficient to form a

belief as to the truth or falsity thereof, but state that the College of Literature, Science and the Arts is a college of the University of Michigan.

7. Intervening defendants neither admit nor deny the allegations of paragraph 7 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

8. Intervening defendants neither admit nor deny the allegations or paragraph 8 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

9. Intervening defendants admit that plaintiffs purport to bring this action as a class action. No response is necessary to the plaintiffs' characterization of their claims in the remainder of paragraph 9 of the Complaint.

10. Intervening defendants admit plaintiffs seek to maintain a class. No response is necessary to the plaintiffs' characterization of their claims in the remainder of paragraph 10 of the Complaint.

11. Intervening defendants neither admit nor deny the allegations in paragraph 11 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

12. Intervening defendants deny the allegations in paragraph 12 of the Complaint.

13. Intervening defendants deny the allegations in paragraph 13 of the Complaint, except that intervening defendants neither admit nor deny the allegations regarding the competence and experience of plaintiffs' counsel,

lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

14. Intervening defendants deny the allegations in paragraph 14 of the Complaint.

15. Intervening defendants state that the University of Michigan is an entity created by the Michigan State Constitution. Intervening defendants state upon information and belief that the University of Michigan receives federal funds. Intervening defendants neither admit nor deny the remaining allegations in paragraph 15 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

16. Intervening defendants admit that the University of Michigan's Application for Undergraduate Admissions permits applicant to indicate their race. Intervening defendants deny all of the remaining allegations in paragraph 16 of the Complaint.

17. Intervening defendants neither admit or deny the allegations in paragraph 17 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

18. Intervening defendants state upon information and belief that the University of Michigan uses race as a factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Intervening defendants deny all of the remaining allegations in paragraph 18 of the Complaint.

19. Intervening defendants state upon information and belief that the University of Michigan applies rigorous admissions standards to all applicants; and that all

admitted students are fully qualified to succeed at the University. Intervening defendants further state upon information and belief that the University of Michigan uses race as a factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Intervening defendants deny all of the remaining allegations in paragraph 19 of the Complaint.

20. Intervening defendants deny all the allegations in paragraph 20 of the Complaint.

21. Intervening defendants neither admit nor deny the allegations in paragraph 21 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

22. Intervening defendants state upon information and belief that high school grades in academic courses represent the predominant factor used for determining admissions to the University of Michigan, College of Literature, Science and the Arts. Intervening defendants state upon information and belief that the University of Michigan uses race as a factor in admissions, as part of a broad array of qualifications and characteristics of which racial or ethnic origin is but a single though important element. Intervening defendants deny all of the remaining allegations of paragraph 22 of the Complaint.

23. Paragraph 23 of the Complaint states a conclusion of law to which no response is necessary. To the extent that a response is deemed necessary, intervening defendants deny the allegations in paragraph 23 of the Complaint.

24. Intervening defendants neither admit nor deny the allegations in paragraph 24 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof.

25. Intervening defendants deny the allegations in the first sentence of paragraph 25 of the Complaint. Intervening defendants neither admit nor deny the allegations in the second sentence of paragraph 25 of the Complaint, lacking knowledge or information sufficient to form a belief as to the truth or falsity thereof. Intervening defendants deny the allegations in the third sentence of paragraph 25 of the Complaint.

26. Intervening defendants deny the allegations in paragraph 26 of the Complaint.

27. Intervening defendants state upon information and belief that the University of Michigan has a current intention to continue to use race as a factor in admissions, as part of a broad array of qualifications and characteristics which racial or ethnic origin is but a single though important element. Intervening defendants deny all of the remaining allegations in paragraph 27 of the Complaint.

RESPONSE TO PLAINTIFF'S FIRST CLAIM

28. Intervening defendants incorporate by reference their responses to the allegations of paragraphs 1-27 of the Complaint set forth above.

29. Paragraph 29 sets forth a conclusion of law to which no response is required. To the extent a response is required, intervening defendants deny the allegations in paragraph 29 of the Complaint.

30. Paragraph 30 sets forth a conclusion of law to which no response is required. To the extent a response is required, intervening defendants deny the allegations in paragraph 30 of the Complaint.

RESPONSE TO PLAINTIFF'S SECOND CLAIM

31. Intervening defendants incorporate by reference their responses to the allegations of paragraphs 1-30 of the Complaint as set forth above.

32. Intervening defendants state that the University of Michigan is an entity created by the Michigan State Constitution. Intervening defendants state upon information and belief that the University of Michigan, which includes the College of Literature, Science and the Arts, receives federal funds. Intervening defendants deny the remaining allegations in paragraph 32 of the Complaint.

No response is required to the remainder of the Complaint, which sets forth plaintiffs' prayer for relief. To the extent that a response is required, intervening defendants deny the remaining allegations in the Complaint.

AFFIRMATIVE DEFENSES

Defendants assert the following affirmative defenses based on their current knowledge and information.

1. The Complaint fails to state a claim upon which relief may be granted.

2. This Court lacks subject-matter jurisdiction over the Complaint because the plaintiffs lack standing.

3. Plaintiff's claims for injunctive relief are barred by the doctrine of mootness.

4. The Regents of the University of Michigan are permitted under the Fourteenth Amendment to the United States Constitution to use race as one of the many factors considered in admissions in order to remedy the present effects of past and present discrimination and to foster a diverse educational environment.

5. Intervening defendants state that they assert these affirmative defenses on the basis of knowledge or information presently available and in order to avoid "Waiver. Intervening defendants reserve the right to withdraw any of these affirmative defenses or to assert additional affirmative defenses as further information becomes available.

Wherefore, intervening defendants pray for judgement dismissing the Complaint with prejudice and awarding them the costs and disbursements of this action, together with attorneys' fees, and such additional relief as the Court may deem just and proper.

Respectfully submitted,

Dated: October 7, 1999

ELAINE R. JONES
DIRECTOR-COUNSEL

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[Certificate Of Service Omitted In Printing]

1999 Guidelines for the Calculation of a Selection Index for all Schools and Colleges Except Engineering

The Guidelines for the Calculation of a Selection Index are an attempt to give some standardization to decisions made by many different counselors on many different applications. We recognize that all communities, schools, populations, course offerings, grading practices, personal circumstances, etc. are not the same. We want to make justifiable decisions that blend the consistency of a formula with the flexibility of a review that is ultimately a matter of human judgment and which must adapt to a "rolling admissions" process.

Admissions is more art than science, and these guidelines should not be read otherwise. These guidelines contain limited descriptions of the rationales behind the Index categories and factors. Obviously, the rationales and the appropriate application of these factors in all situations are too complex to be completely described by this type of document. If you require a more detailed discussion of the rationales or the application of a factor is troublesome in any particular case, you should discuss the matter with your team leader.

The Selection Index has a maximum value of 150 points, with the final score for an applicant representing the cumulative attributes that the individual will bring to the incoming freshman class. Fully 2/3 of the points of the Selection Index are attributable to academics. When test scores are added to the academics, only 27% of the maximum possible points are derived from other factors that assist in enrolling students who will provide a mixture of attributes and characteristics valued by the University. It is our sincere belief that this mixture contributes to the

education of our students, as well as fulfills the University's mission to prepare society's future citizens and leaders.

The Selection Index for an applicant is a summation of points assigned to factors in one of three categories: Test Score, Academic, and Other Factors. The Test Score category consists of up to 12 points based on the applicant's best ACT or SAT test score from any one sitting. Up to 98 points can be received in the Academic category, based on the academic unweighted Grade Point Average (GPA), the category of school attended ("S" factor), and the strength or weakness of the curriculum ("C" factor). Lastly, an applicant may receive up to 40 points in the Other Factors category, with the individual factors described in later sections of this document. Thus, a student can receive up to 110 points on factors in the Test Score and Academic categories of his or her application and up to 40 points from the Other Factors component.

The Selection Index reflects a variety of factors in the applicant's file that are not considered in the UM-computed academic unweighted GPA. Both the UM-computed GPA and the Selection Index will be entered into the system and can be accessed on the QU screen on DSC.

Counselors must always circle or enter the appropriate points for the various factors on the coding worksheet and the sum as the Selection Index. Any unusual circumstance should be noted and stapled to the application in a prominent place.

ACADEMIC

The Academic category is comprised of the GPA, school, and curriculum factors.

Grade Point Average

The UM-computed GPA (calculated from 10th and 11th grade academic courses) is multiplied by 20 to determine the applicant's score for this factor. The Selection Index Worksheet has a table of the multiples of 20 from a 1.7 to 4.0 GPA. Note that an applicant can score up to 80 points, which constitutes 53% of the possible 150 points an applicant can receive.

S (school) Factor

Schools are not ranked throughout the state or country but are given a classification based on their school profile and academic information. The school factor acknowledges that we do consider various factors in our decisions that reflect the differences among schools.

Keep a disk and hard copy of your schools and their respective classifications. Counselors should add new schools to the list as the year progresses and collect the high school profiles of schools that are already on the list. The same S factor should normally be applied to all applicants from the same school, unless an applicant has attended schools with different S factors. At the end of the application review season, update your S factor list based on the high school profiles. Turn in the additions and revisions to the secretary responsible for updating the entire file for the next season of application review.

The S factor is based on the number of AP/IB courses offered at the school, the percentage of students attending two and four year colleges, and average SAT/ACT scores. The school profile is the primary source of such data. Resist the temptation of being generous when the school is just a little short of the expected level. There will be some schools in every category (S factor) that just make a certain level and some that just miss a higher level. Additional information such as above average academic performance of school's students based on UM first year follow-up reports could move the school upward. **A code of "E" will be entered on the Master Chart indicating such an exception.**

The guide below is based on the averages of over 300 schools. Each counselor should be able to exercise judgment as to the S factor for schools in their territory. Remember the S factor relates to the strength of the school – not just a special group within that school. *In most cases, the AP/IB figure is the starting point.* Then, you should determine if the SAT I or ACT statistics substantiate the S points. Use the test that is taken by the greater number of students in the high school in your deliberations. In the midwest, the ACT will be the test to use, the SAT I will likely be the test to use for schools on both coasts. A strong record at UM, SAT II Subject tests, AP/IB scores, the school's curriculum guide, and other information will help in making an appropriate decision. Schools with a factor of 4 or 5 must be exceptionally strong and are very rare in general, and more so among public schools. Conversely, there are many private schools that should be less than a factor of 2.

Note: The 1997 High School Profiles and SAT I scores listed below are based on **Recentered** scores.

S = 0 Very few or no Honors or AP courses. Less than 50% attend college. SAT I average 1040 or below and ACT 22 or below.

S = 1 At least 7 AP/IB courses. Seventy-five percent attend college. SAT I average range of 1050-1120 and ACT 23 or 24.

S = 2 At least 9 AP/IB courses. Strong honors or advanced courses. Eighty-five percent attend college. SAT I average range of 1130-1190 or ACT average of 25 or 26.

S = 3 At least 11 AP/IB courses. Many Honors or rigorous courses. SAT II subject scores of ≥ 610 and/or impressive results on AP exams support high level of learning. Ninety-five percent attend college. SAT I average range of 1200-1230 or ACT average of 27.

S = 4 At least 12 AP/IB. Strong AP record even when courses are not always called AP. Look for exams taken. Course grades tend not to cluster at the highest end of the scale. Look at distribution of grades and scores. Many records include SAT II subject scores that tend to be in the 710+ range. Ninety-nine percent attend college. List would include many competitive colleges. SAT I average range of 1240-1310 or ACT average of 28 or 29.

S = 5 At least 13 AP/IB. Impressive number of high SAT II subject scores. Many National Merit winners. Curriculum reads like the 1st and 2nd year at a typical liberal art college. Students receive 4's & 5's on AP. Grades tend to cluster in the mid-range of the scale. Counselor comments indicate real differences in a PLUS/MINUS grading system. Students have gone in depth into an area of study.

Often including foreign study rather than just travel. Ninety-nine percent attend college. List would include many highly competitive/selective colleges. SAT I average range of 1320+ or ACT average of 30+.

If you need help in determining an appropriate S factor due to wide variations in selection criteria, bring your data to MM, and we will assign an appropriate S factor.

The conversion of S factors to Selection Index points is on the Selection Index Worksheet.

C (curriculum) Factor

Given the wide disparity in high school course selection and offerings, it is imperative that the choice of strong courses, particularly clearly identified Honors and AP/IB, be considered in the review process. It is unfair to reward a student with admission who has elected a mediocre curriculum (sometimes for as many as four years during high school), while punishing by postponements those with stronger programs. Achievement of a respectable GPA in a demanding and challenging program more often represents high motivation and commitment than a contrived, inflated GPA in a weak curriculum. The stronger program also better prepares the student for the quality of work expected at the University of Michigan. All students are expected to elect at least four traditional college preparatory subjects each semester. Those with less should be deferred upon first review even if GPA and test score place them in the Admit range.

The starting point for any applicant is zero points for a strong academic program, consisting of 19 academic

courses in grades 9-12. Do not include art, business, computer application, drafting, engineering, music, typing, or vocational courses as academics. Only count English, foreign languages, mathematics, science, social science, and computer programming (Fortran, Basic, C, Pascal) courses as academics.

Make sure that there is a reasonable degree of integrity in the school's definition of "Honors" courses. In general, you can calculate 2 honors and/or accelerated courses to equal 1 AP/IB course, so long as the honors courses at that school are not equal to or as demanding as the AP/IB courses. A statement from the high school such as "This would be Honors at another school" or "Faculty policy precludes such a label" *does not* quality for our inclusion as an "honors" course and should not be counted. Use your knowledge (not assumptions) about what different labels used by the schools mean in this area. Tracks, phase, core, level, advanced, etc. do not always mean "advanced" when thinking of such courses as being for those whose course background has been strong, have received high grades, or are selected to participate and write the AP Exams.

When making your computation of number of academics and honors/AP: Do NOT round up! Also, take into consideration a downward trend in grades and/or weak course selection.

C = -2 Very weak academic program, relative to what is offered in the school, less than 15 academic courses in grades 9-12. Three or fewer academics in senior year. No honors or AP. Use judgment. Admission doubtful.

C = -1 Weak academic program, relative to what is offered in the school, no honors or AP, 15-18 academics in grades 9-12. Use judgment.

C = 0 Average to strong academic program, one AP/IB or 1-3 honors, at least 19 academic courses in grades 9-12.

C = 1 For a *very strong* program. 2-3 AP/IB or 4-7 honors in year long courses and at least 19 academic courses in grades 9-12.

C = 2 For an *unusually strong* program. 4-5 AP/IB or 8-11 honors in year long courses *and* at least 19 academic courses in grades 9-12.

C = 3 For a *superior* program. 6 or 7 AP/IB or 12-15 honors in year long courses *and* at least 20 academic courses in grades 9-12.

C = 4 A *fantastic* program. 8+ AP/IB or 16+ honors in year long courses *and* at least 20 academic courses in grades 9-12.

The conversion of C factors to Selection Index points is on the Selection Index Worksheet.

TEST SCORE

An applicant may receive one of five established point totals for the best score of the ACT or SAT from any one exam. Do not add the best verbal and best math subscores from two different exam dates together. The points are assigned to the following ranges of scores:

Points	ACT	SAT
0	01-19	400-920
6	20-21	930-1000
10	22-26	1010-1190
11	27-30	1200-1350
12	31-36	1360-1600

Note that an applicant having a test score in the zero points range for the Test Score category, even if admissible due to a very strong score in the Academic category, is likely to have a difficult time succeeding without substantial academic assistance. Thus, the counselor should consider such an applicant as a candidate for the Summer Bridge Program. Summer Bridge is open to Michigan residents only.

OTHER FACTORS

When reviewing an applicant's file, please circle and/or award all points that apply to the factors constituting the Other Factors category. **However, a total of 40 points is the maximum that can be added to the Selection Index score for the Other Factors category. Moreover, no applicant can receive points for more than one of the following factors: socioeconomically disadvantaged student or education, underrepresented racial/ethnic minority identity or education, an officially recruited athlete, Provost's discretion, or professional diversity.**

Geography

An applicant may receive points for residency in one or more of three special geographic areas. An instate student may receive a maximum of 16 points, while an out-of-state student may receive only 2 points, if residing in a designated state.

Michigan Residency: As a public institution supported by the citizens of Michigan, it is important that our incoming freshman class have a large representation of students

from Michigan. To achieve that goal, each Michigan resident is awarded 10 points.

Residency in an Underrepresented County: The vast majority of enrolling incoming freshmen are from the southern counties of Michigan. To promote interaction among students from all parts of the state, applicants from northern Michigan (defined as counties including and north of Oceana, Newaygo, Mecosta, Clare, Gladwin, and Arenac counties), rural areas, and small communities that are separated geographically and/or culturally from more populated areas, will be awarded 6 points. Applicants from the following areas should receive these points:

Lower Peninsula

Alcona	Gladwin	Montmorency
Alpena	Grand Traverse	Newaygo
Antrium	Iosco	Oceana
Arenac	Kalkaska	Ogemaw
Benzie	Lake	Osceola
Cheboygan	Leelaunau	Oscoda
Charlevoix	Manistee	Otsego
Clare	Mason	Presque Isle
Crawford	Mecosta	Roscommon

Upper Peninsula

Alger	Gogebic	Mackinac
Baraga	Houghton	Menominee
Chippewa Iron	Ontonagon	
Delta	Keweenaw	Schoolcraft
Dickinson Luce		

Residency in a state from a region which is underrepresented at the University of Michigan: Applicants from western states (beyond Missouri, Iowa, Minnesota) except

California and southern states below Virginia and Tennessee (except for Florida and Texas) are awarded 2 points. Students who are residents of the following states can receive these points:

Alabama	Kansas	North Dakota
Alaska	Louisiana	Oklahoma
Arizona	Mississippi	Oregon
Arkansas	Montana	South Carolina
Colorado	Nebraska	South Dakota
Georgia	Nevada	Utah
Hawaii	New Mexico	Washington
Idaho	North Carolina	Wyoming

International students are not awarded any geographic factor points.

Alumni Relationships

To recognize the continuing service and support provided to the University, points will be awarded for certain alumni relationships:

Legacy – The applicant, whose parent or step-parent attended UM-Ann Arbor as degree-seeking students, should be awarded 4 points.

or

Other Alumni Relationships – The applicant, whose grandparents, siblings, or spouse attended UM-Ann Arbor as degree seeking students, should be awarded 1 point.

Points cannot be awarded for both categories.

Essay

The essay is required. If the essay is missing, the application is incomplete and cannot be marked up for admission. The essay will be evaluated for content, style, originality, and risk. One point may be awarded for an outstanding essay.

Personal Achievement

Points for Personal Achievement will be based on information provided on page 3 of the application, item 31, "Activities, Work Experience and Awards", as well as other information provided with the application. The applicant must demonstrate a state, regional, or national level of achievement in academic competitions, art, athletics (applies to non-recruited athletes only), music, professional theater, or science. Remember, most applicants to UM are very active students in leadership positions, sports activities, social clubs, etc. in their high schools and local communities. Involvement in these activities is not unusual and is normal for the applicant pool. The Personal Achievement factor is **not to be used as** compensation for weaker academic achievement attributed to over-involvement in non-academic activities.

Examples of personal achievements include a National Science Foundation Award; Westinghouse Scholars; state, regional, or national recognition in an academic competition (e.g., forensics); state, regional, or national recognition as an athlete; placing in a state, regional, or national art show; having writing published in a state, regionally, or nationally recognized magazine or journal; or professional theater experience. Do not award points for

personal achievement at the local level – that level of accomplishment is normal within the applicant pool.

Counselors should have some validation of the achievement such as high school counselor confirmation, copy of award certificate, newspaper clipping, etc.

Points	
1	State level achievement
3	Regional level achievement
5	National level achievement

Leadership and Service

Points for Leadership will be based on information provided on page 3 of the application, item 31. "Activities, Work Experience and Awards", as well as other information provided with the application. The applicant must demonstrate a state, regional, or national level of achievement. Remember, most applicants to UM are very active students in leadership positions, sports activities, social clubs, etc. Active involvement in these activities is not unusual and is normal for the applicant pool. The Leadership and Service factor **is not to be used** as compensation for weaker academic achievement attributed to over-involvement in non-academic activities.

Examples of strong leadership include elected positions at Girls' or Boys' State, a unique initiative in a community endeavor resulting in special recognition, state or service club award, or successful entrepreneurship.

Points	
1	State level achievement
3	Regional level achievement
5	National level achievement

Socioeconomically Disadvantaged Student or Education

The University is committed to a rich educational experience for its students, which should include interaction with students of all socioeconomic backgrounds. A diverse, as opposed to a homogeneous, student population enhances the education experience for all students. Consequently, 20 points will be awarded to an applicant who:

> is socioeconomically disadvantaged, with indicators such as parents' occupations, single parent upbringing, a deceased parent, necessary excessive work hours while attending school, overcoming extraordinary obstacles, such as abuse, or homelessness; or
>
> is a student educated in a high school serving a population that is predominantly socioeconomically disadvantaged.

Underrepresented Racial/Ethnic Minority Identity or Education

The University is committed to an educational experience that involves students interacting with other students of different races and ethnicities than their own. Consequently, 20 points will be awarded to an applicant who:

> is a member of a federally recognized underrepresented race or ethnicity, which is also underrepresented on the UM Ann Arbor campus; or
>
> is a student educated in a high school serving a population that is predominantly comprised of federally recognized underrepresented races and/or ethnicities, which are also underrepresented on the UM Ann Arbor campus.

Place student label here or fill in the following information

Name _____
SIN _____
Unit _____
Term _____

1999 Form **Confidential**

Selection Index Worksheet

(For LS&A and selected Schools and Divisions, other than Engineering)

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	Points (circle)	ACADEMIC
GPA	40	2.0
	42	2.1
	44	2.2
	46	2.3
	48	2.4
	50	2.5
	52	2.6
	54	2.7
	56	2.8
	58	2.9
	60	3.0
	62	3.1
	64	3.2
	66	3.3
	68	3.4
	70	3.5
	72	3.6
	74	3.7
	76	3.8
	78	3.9
	80	4.0
School Factor	0	0
	2	1
	4	2
	6	3
	8	4
	10	5
Curriculum Factor	-4	-2
	-2	-1
	0	0
	2	1
	4	2
	6	3
	8	4

	Points (circle one)	TEST SCORE	
ACT/ SAT I	0	01-19	400-920
	6	20-21	930-1000
	10	22-26	1010-1190
	11	27-30	1200-1350
	12	31-36	1360-1600

Add points in this column for sub score 1

Points (circle)		OTHER FACTORS (*Maximum 40 points*)
Geography		
10		Michigan Resident
6		Underrepresented Michigan County
2		Underrepresented State
Alumni		
4	*Assign only 1 option*	Legacy (*parents / stepparents*) or Other (*grandparents, siblings, spouses*)
1		
Essay		
1		Outstanding Essay
Personal Achievement		
1	*Assign only 1 option*	State
3		Regional
5		National
Leadership & Service		
1	*Assign only 1 option*	State
3		Regional
5		National
Miscellaneous		
20		Socio-economic Disadvantage
20		Underrepresented Racial/Ethnic Minority Identification or Education
5	*Assign only 1 option*	Men in Nursing
20		Scholarship Athlete (*assigned by athletic counselor only*)
20		Provost's Discretion

Add points in this column for sub score 2

TOTAL

Sub score 1 + Sub score 2 = Selection Index

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2000 Guidelines for the Calculation of a Selection Index for all Schools and Colleges Except Engineering

The Guidelines for the Calculation of a Selection Index are an attempt to give some standardization to decisions made by many different counselors on many different applications. We recognize that all communities, schools, populations, course offerings, grading practices, personal circumstances, etc. are not the same. We want to make justifiable decisions that blend the consistency of a formula with the flexibility of a review that is ultimately a matter of human judgment and which must adapt to a "phased admissions" process.

Admissions is more art than science, and these guidelines should not be read otherwise. These guidelines contain limited descriptions of the rationales behind the Index categories and factors. Obviously, the rationales and the appropriate application of these factors in all situations are too complex to be completely described by this type of document. If you require a more detailed discussion of the rationales or the application of a factor is troublesome in any particular case, you should discuss the matter with your team leader.

The Selection Index has a maximum value of 150 points, with the final score for an applicant representing the cumulative attributes that the individual will bring to the incoming freshman class. Fully ⅔ of the points of the Selection Index are attributable to academics. When test scores are added to the academics, only 27% of the maximum possible points are derived from other factors that

assist in enrolling students who will provide a mixture of attributes and characteristics valued by the University. It is our sincere belief that this mixture contributes to the education of our students, as well as fulfills the University's mission to prepare society's future citizens and leaders.

The Selection Index for an applicant is a summation of points assigned to factors in one of three categories: Academic, Test Score, and Other Factors. The Test Score category consists of up to 12 points based on the applicant's best ACT or SAT test score from any one sitting. Up to 98 points can be received in the Academic category, based on the academic unweighted Grade Point Average (GPA), the category of school attended ("S" factor), and the strength or weakness of the curriculum ("C" factor). Lastly, an applicant may receive up to 40 points in the Other Factors category, with the individual factors described in later sections of this document. Thus, a student can receive up to 110 points on factors in the Test Score and Academic categories of his or her application and up to 40 points from the Other Factors component.

The Selection Index reflects a variety of factors in the applicant's file that are not considered in the UM-computed academic unweighted GPA. Both the UM-computed GPA and the Selection Index will be entered into the system and can be accessed on the PeopleSoft Overall Rating panel.

Counselors must always circle or enter the appropriate points for the various factors on the coding worksheet and the sum as the Selection Index. Any unusual circumstance should be noted and stapled to the application in a prominent place.

ACADEMIC

The Academic category is comprised of the GPA, school, and curriculum factors.

Grade Point Average

The UM-computed GPA (calculated from 10th and 11th grade academic courses) is multiplied by **20** to determine the applicant's score for this factor. The Selection Index Worksheet has a table of the multiples of 20 from a 2.0 to 4.0 GPA. Note that an applicant can score up to **80** points, which constitutes 53% of the possible 150 points an applicant can receive. If an applicant's GPA is below 2.0, multiply the GPA X 20 to determine the SI points: i.e. 1.5 X 20 = 30.

S (school) Factor

Schools **are not ranked** throughout the state or country but are given a classification based on their school profile and academic information. The school factor acknowledges that we do consider variables in our decisions that reflect the differences among schools.

Keep a disk and hard copy of your schools and their respective classifications. Counselors should add new schools to the list as the year progresses and collect the high school profiles of schools that are already on the list. The same S factor should be applied to all applicants from the same school, unless an applicant has attended schools with different S factors. At the end of the application review season, update your S factor list based on the high school profiles. Turn in the additions and revisions to the

secretary responsible for updating the entire file for the next season of application review.

The S factor is based on the number of AP/IB courses offered at the school, the percentage of students attending two and four year colleges, and average SAT/ACT scores. The school profile is the primary source of such data. Resist the temptation of being generous when the school is just a little short of the expected level. There will be some schools in every category (S factor) that just make a certain level and some that just miss a higher level. Additional information such as above average academic performance of a school's students based on UM first year follow-up reports could move the school upward. **A code of "E" will be entered on the Master Chart indicating such an exception.**

The guide below is based on the averages of over 300 schools. Each counselor should be able to exercise judgment as to the S factor for schools in their territory. Remember the S factor relates to the strength of the school – not just a special group within that school. *In most cases, the AP/IB figure is the starting point.* Next consider the college bound percentage of students in the school. Then, you should determine if the SAT I or ACT statistics substantiate the S points. *Use the test that is taken by the greater number of students in the high school in your deliberations.* In the midwest, the ACT will be the test to use, the SAT I will likely be the test to use for schools on both coasts. A strong record at UM, SAT II Subject tests, AP/IB scores, the school's curriculum guide, and other information will help in making an appropriate decision. Schools with a factor of 4 or 5 must be exceptionally strong and are very rare in general, and more so among public

schools. Conversely, there are many private schools that should be less than a factor of 2.

Note: The 1997 and later High School Profiles include **Recentered** SAT I scores. Any S factors determined prior to 1997 were based on original SAT scores.

S = 0 Very few or no Honors or AP courses. Less than 50% attend college. SAT I average 1040 or below and ACT below 22.

S = 1 At least 7 AP/IB courses. Seventy-five percent attend college. SAT I average range of 1050-1120 and ACT below 23 or 24.

S = 2 At least 9 AP/IB courses. Strong honors or advanced courses. Eighty-five percent attend college. SAT I average range of 1130-1190 or ACT average of 25 or 26.

S = 3 At least 11 AP/IB courses. Many Honors or rigorous courses. SAT II subject scores of $\geq$ 610 and/or impressive results on AP exams support high level of learning. Ninety-five percent attend college. SAT I average range of 1200-1190 or ACT average of 27.

S = 4 At least 12 AP/IB. Strong AP record even when courses are not always called AP. Look for exams taken. Course grades tend not to cluster at the highest end of the scale. Look at distribution of grades and scores. Many records include SAT II subject scores that tend to be in the 710+ range. Ninety-nine percent attend college. List would include many competitive colleges. SAT I average range of 1240-1310 or ACT average of 28 or 29.

S = 5 At least 13 AP/IB. Impressive number of high SAT II subject scores. Many National Merit winners. Curriculum reads like the 1st and 2nd year at a

typical liberal art college. Students receive 4's & 5's on AP. Grades tend to cluster in the mid-range of the scale. Counselor comments indicate real differences in a PLUS/MINUS grading system. Students have gone in depth into an area of study. Often including foreign study rather than just travel. Ninety-nine percent attend college. List would include many highly competitive/selective colleges. SAT I average range of 1320+ or ACT average of 30+.

If you need help in determining an appropriate S factor due to wide variations in selection criteria, bring your data to MM, and we will assign an appropriate S factor.

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C (curriculum) Factor

Given the wide disparity in high school course selection and offerings, it is imperative that the choice of strong courses, particularly clearly identified Honors and AP/IB, be considered in the review process. It is unfair to reward a student with admission who has elected a mediocre curriculum (sometimes for as many as four years during high school), while deferring those with stronger programs. Achievement of a respectable GPA in a demanding and challenging program more often represents high motivation and commitment than an inflated GPA in a weak curriculum. The stronger program also better prepares the student for the quality of work expected at the University of Michigan. All students are expected to elect at least four traditional college preparatory subjects each semester. Those with less will probably be deferred

upon first review. Counselors should enter the value of 3 in the Review Flag Rating Value field on the Overall Rating panel, if the applicant has less than the expected amount.

The starting point for any applicant is zero points for a strong academic program, consisting of 19 academic courses in grades 9-12. Do not include art, business, computer application, drafting, engineering, music, typing, or vocational courses as academics. Only count English, foreign languages, mathematics, science, social science, and computer programming (Fortran, Basic, C, Pascal) courses as academics.

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When making your computation of number of academics and honors/AP: Do NOT round up! Also, take into consideration a downward trend in grades and/or weak course selection.

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Arenac	Kalkaska	Ogemaw
Benzie	Lake	Osceola
Cheboygan	Leelaunau	Oscoda
Charlevoix	Manistee	Otsego
Clare	Mason	Presque Isle
Crawford	Mecosta	Roscommon

Upper Peninsula

Alger	Gogebic	Mackinac
Baraga	Houghton	Menominee
Chippewa	Iron	Ontonagon
Delta	Keweenaw	Schoolcraft
Dickinson	Luce	

Residency in a state from a region which is underrepresented at the University of Michigan. Students who are residents of the following states can receive these points:

Alabama	Maine	Oregon
Alaska	Mississippi	Rhode Island
Arkansas	Montana	South Carolina
Hawaii	Nebraska	South Dakota
Idaho	Nevada	Utah
Kansas	New Mexico	Vermont
Louisiana	North Dakota	West Virginia
	Oklahoma	Wyoming

International students are not awarded any geographic factor points.

Alumni Relationships

To recognize the continuing service and support provided to the University, points will be awarded for certain alumni relationships:

Legacy – The applicant, whose parent or step-parent attended UM-Ann Arbor as degree-seeking students, should be awarded 4 points.

or

Other Alumni Relationships – The applicant, whose grandparents, siblings, or spouse attended UM-Ann Arbor as degree seeking students, should be awarded 1 point.

Points cannot be awarded for both categories.

Essay

The essay is required. If the essay is missing, the application is incomplete and cannot be marked up for review. The essay will be evaluated for content, style, originality, and risk. An applicant may receive up to 3 points for the essay depending on whether it is rated outstanding (3 pts.), excellent (2 pts.), or very good (1 pt.).

In rating the essay, counselors should consider the following criteria:

- **Content**

  The applicant's written materials should be clear, well-organized and sustain a well-focused discussion.

- **Style**

  The applicant's use of language should be fluent and effective, with varied sentence structure and vocabulary appropriate to the subject.

  The applicant should demonstrate faculties with the conventions (grammar, usage, and mechanics) of standard written English.

- **Originality/Risk taking**

  The applicant should display an extraordinary ability to explore ideas with insightful reasoning, persuasive examples, a mature out look and/or deep concern for society.

If the student's essay is average or below average points should *not* be given.

Personal Achievement

Points for Personal achievement will be based on the information provided in "Activities, Work Experience and Awards," as well as other information provided with the application.

Applicant may receive up to 5 points for personal achievement depending on whether it is rated outstanding (5 pts.), excellent (3 pts.), or very good (1 pt.). When evaluating personal achievement, counselors should look primarily for evidence of persistence, character and commitment to high ideals and the level of awards. In addition, counselors should consider the following general criteria:

- **Evidence of persistence**
  - The applicant's application reflects barriers overcome and a desire to succeed in all his/her high school endeavors.
  - The applicant was employed during the school year while maintaining academic excellence and service in school and community activities. (Can be reflected in essay and/or high school counselor's recommendation)
  - In addition, some applicants may have overcome adverse family, social or economic conditions and still achieved academically.
- **Character and Commitment to high ideals.**
  - The applicant's materials should demonstrate a strong respect for others and their perspectives.
  - The applicant's application materials should reflect a strong ability to work effectively with others.

- The applicant's application materials should show considerable evidence of having taken advantage of opportunities, by displaying maturity in commitment, initiative and responsibility.
- The applicant's application should also show evidence of being a self-starter and role model.

- **Awards**

The applicant's awards should include outstanding high school, state, regional or national honors. The applicant's materials should illustrate the highest level of achievement and special talents, in academic competition, art, athletes (applies to non-recruited athletes only), music, theater, or science.

- **Recommendations**

High school counselors or other school officials should include recommendations to provide additional information about the applicant's achievement and to validate the level of participation for personal achievement.

If the applicant's personal achievement is average or below average points should *not* be given.

Leadership and Service

Points for leadership and service, will be based on information provided in "Activities, Work Experience and Awards", as well as other information provided with the application.

Applicant may receive up to 5 points for leadership and service depending on whether it is rated outstanding (5 pts.), excellent (3 pts.), or very good (1 pt.). When

evaluating leadership and service, counselors should use the following general criteria.

- Meaningful activities and experiences, which reflect a commitment to school activities through continued participation across the four years in a variety of activities.
- Leadership positions, elected or appointed, with an increase in responsibility and leadership across the four years as reflected by increasingly higher elected office held. (High school counselor often substantiates this level of involvement and passion.) In addition, the applicant must show meaningful contributions to the high school.
- The applicant must have forged frontiers in activities – not simply a laundry list of activities. The breadth and quality of activities is critical, especially quality of accomplishment. For example, community activities should show evidence of meaningful contributions to their community.

- **Awards**

The applicant's awards should include outstanding high school, state, regional or national honors. The applicant's materials should illustrate the highest level of achievement and special talents, in academic competition, art, athletes (applies to non-recruited athletes only), music, theater, or science.

- **Recommendations**

High school counselors or other school officials should include recommendations to provide additional information about the applicant's achievement and to validate the level of participation for personal achievement.

If the applicant's leadership and service, is average or below average points should *not* be given.

Socioeconomically Disadvantaged Student or Education

The University is committed to a rich educational experience for its students, which should include interaction with students of all socioeconomic backgrounds. A diverse, as opposed to a homogeneous, student population enhances the education experience for all students. Consequently, **20** points will be awarded to an applicant who:

is socioeconomically disadvantaged, with indicators such as parents' occupations, single parent upbringing, a deceased parent, necessary excessive work hours while attending school, overcoming extraordinary obstacles, such as abuse, or homelessness; or

is a student educated in a high school serving a population that is predominantly socioeconomically disadvantaged.

Underrepresented Racial/Ethnic Minority Identity or Education

The University is committed to an educational experience that involves students interacting with other students of different races and ethnicities than their own. Consequently, **20** points will be awarded to an applicant who:

is a member of a federally recognized underrepresented race or ethnicity, which is also underrepresented on the UM Ann Arbor campus; or

is a student educated in a high school serving a population that is predominantly comprised of federally recognized

underrepresented races and/or ethnicities, which are also underrepresented on the UM Ann Arbor campus.

Scholarship Athlete

In anticipation of their contributions to the University and in recognition of the tradition and national prominence of Michigan intercollegiate athletics, applicants being officially recruited and considered for athletic scholarships should have **20** points added to their score.

Provost's Discretion

At the discretion of the Provost (only), up to an additional **20** points may be awarded to an applicant.

Professional Diversity

Over time, some professions have become composed predominantly of one gender or another. The School of Nursing has identified a need to enroll more members of an underrepresented gender to enhance its educational environment and to improve the diversity within its profession. A counselor should award 5 points to those applicants who are men applying to the School of Nursing. (See the Guidelines for Calculation of an Engineering Selection Index for the Professional Diversity points awarded for women applicants to the College of Engineering.)

Place student label here or fill in the following information

Name _____
SIN _____
Unit _____
Term _____

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Selection Index Worksheet

(For LS&A and selected Schools and Divisions, other than Engineering)

	Points (circle)	ACADEMIC
GPA	40	2.0
	42	2.1
	44	2.2
	46	2.3
	48	2.4
	50	2.5
	52	2.6
	54	2.7
	56	2.8
	58	2.9
	60	3.0
	62	3.1
	64	3.2
	66	3.3
	68	3.4
	70	3.5
	72	3.6
	74	3.7
	76	3.8
	78	3.9
	80	4.0
School Factor	0	0
	2	1
	4	2
	6	3
	8	4
	10	5
Curriculum Factor	-4	-2
	-2	-1
	0	0
	2	1
	4	2
	6	3
	8	4

	Points (circle one)	TEST SCORE	
ACT/ SAT I	0	01-19	400-920
	6	20-21	930-1000
	10	22-26	1010-1190
	11	27-30	1200-1350
	12	31-36	1360-1600

Add points in this column for sub score 1

Points (circle)		OTHER FACTORS (*Maximum 40 points*)
Geography		
10		Michigan Resident
6		Underrepresented Michigan County
2		Underrepresented State
Alumni		
4	*Assign only 1 option*	Legacy (*parents / stepparents*) or Other (*grandparents, siblings, spouses*)
1		
Essay		
1	*Assign only 1 option*	Very Good / Excellent / Outstanding
2		
3		
Personal Achievement		
1	*Assign only 1 option*	Very Good / Excellent / Outstanding
3		
5		
Leadership & Service		
1	*Assign only 1 option*	Very Good / Excellent / Outstanding
3		
5		
Miscellaneous		
20		Socio-economic Disadvantage
20		Underrepresented Racial/Ethnic Minority Identification or Education
5	*Assign only 1 option*	Men in Nursing
20		Scholarship Athlete (*assigned by athletic counselor only*)
20		Provost's Discretion

Add points in this column for sub score 2

TOTAL

Sub score 1 + Sub score 2 = Selection Index

240

THE UNIVERSITY OF **MICHIGAN**

Office of
Undergraduate
Admissions

MEMORANDUM

TO: Counselors and Others

FROM: Ted Spencer /s/ Ted Spencer

RE: Reason for Diversity

DATE: September 25, 1996

This statement can be used by counselors to help explain our commitment to diversity:

> Our commitment to excellence means that we will continue to admit students as individuals, based on their merits; especially what they have achieved academically. We also look at their character, their participation, their energy, curiosity, and determination as it contributes to the whole person profile of the applicant.
>
> It is also our goal to admit applicants who are willing to entertain the idea that tolerance, understanding and mutual respect are goals worthy of a person who has been truly educated.
>
> Diversity creates tolerance and mutual respect. It also creates opportunity to hear, and view directly, face to face, from people who believe and who have lived the experience. Formal academic study cannot always provide that same level of experience and understanding with others who are different from ourselves.
>
> Our admission guidelines continue to use a high standard of admission for all entering students. But

because there are still many more candidates that meet our competitive guidelines, than there are spaces available, our admission policies try to admit not only individuals, but also an entire entering class that can collectively add to the diversity and academic vitality of the University.

So as we look at applications this year, we will review the essay, extracurricular involvement and academic achievements to enhance our ability to identify these qualities in all our applicants.

Office of Undergraduate Admissions

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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS GUIDELINES FOR ALL TERMS OF 2000

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OUA Liaison	Marilyn McKinney, Associate Director 1220 Student Activity Building, 1316	647-8759 e-mail: mmckinne@umich.edu	936-2786
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LS&A Enrollment Working Group Representative	John R. Cross, Associate Dean for Budget and Administration 2542 LS&A Bldg. 1382	964-2697 e-mail: jcross@umich.edu	763-3275
LS&A Liaison	Robert Owen, Associate Dean Of Undergraduate Curriculum 2508 LS&A Bldg. 1382	764-2697 e-mail: rowen@umich.edu	764-0320
LS&A Liaison	Esrold A. Nurse Assistant Dean for Student Academic Affairs 1402 Mason Hall, 1027	647-5577 e-mail: eanurse@umich.edu	964-7297

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I. ADMISSION OF FRESHMEN

A. DEFINITION OF A FRESHMAN APPLICANT: FTIAC (first time in any college).

A freshman is defined as an entering student who has never attended any college following high school graduation. This definition includes students enrolling in the fall term who take college classes as guest students in the summer immediately preceding the fall semester. The definition also applies to students who enter with advanced standing by earning college credit through Advanced Placement Examinations, or courses taken at a college prior to high school graduation.

All other students will be designated as transfer students (Type 4) with Level (1, 2, 3, 4) being determined by the amount of transferable

credit projected for the term of entry. This will include those freshman level students who attend college in the fall and apply for admission to LS&A for the winter semester. They will be coded as transfer students (Type 4) at the freshman level (Level 1) and be evaluated according to transfer guidelines for Winter *2000*

B. OVERVIEW OF ADMISSION POLICIES (First Review)

1. TERMS OF ADMISSION

Admission to LS&A will be highly selective for all four semesters of the academic calendar. *Admission* is granted to applicants with *very competitive* credentials from early fall to November 1 for winter semester, and until February 1 for spring, summer, and fall semesters.

Winter applicants who met competitive criteria based on the Fall *1999* guidelines, or who were previously admitted, did not accept admission, and did not enroll in another institution for the fall term, will be admitted through the November 1 equal consideration deadline.* All other applicants with lower credentials will be denied admission. *There will be no deferred group for the winter term.* (Note: It is necessary to delay for a final high school transcript if it has not been previously submitted. A decline in the senior year grades is cause to deny admission even if the student was admissible based on 10th and 11th year GPA.)

*Students with the same credentials who do enroll in another college for the fall

semester will be coded as transfer students and admitted if there was no decline in senior year grades.

Spring admissions standards require the same competitive criteria as for all other terms. Applications will be accepted through the February 1 equal consideration deadline. Students who do not meet the competitive guidelines will be denied admission. *There will be no deferred pool for spring semester.*

The *summer and fall group* of applicants whose credentials fall in the range designated as *qualified/non-competitive* will be *deferred* for a second review following the February 1 equal consideration deadline.

Summer and fall applicants whose credentials fall *below the guidelines set for deferred* applicants will be *denied* admission on the first review.

2. **ASSIGNED REVIEWER**

   a. Each high school is assigned to a counselor who will read all the LS&A applications from the school. A Selection Index will be calculated based on the student's accomplishments and the factors on the Selection Index Worksheet.

3. **GENERAL REQUIREMENTS**

   a. High School Graduation

   (1) *All* freshman students are required to earn a high school diploma (or GED equivalent for

older students) prior to enrolling in the College.

(2) Exceptions to the graduation requirement may be made for extremely gifted and brilliant students who meet YSEP standards and are admitted under those conditions. (Look in Table of Contents for YSEP location in guidelines)

(3) Home schooled students whose grades do not reflect a measure of accomplishment from participation in a typical classroom with other students, will have to provide additional evidence of preparation, such as earning scores on specific SAT II Subject exams at a level which will assure they are as competitively admissible as students who attend public or private high schools. Home schooled students will be assigned to OUA liaison, Marilyn McKinney.

b. ***Course Preparation.*** All students are expected to take a demanding college preparatory curriculum in 9th through 12th grades. Beginning with the freshman class entering in the Summer or Fall of 2000, the following minimum preparation is required for all students applying for admission to LS&A: English – 4 years, foreign language – 2 years (4 years recommended), mathematics – 3 years (through intermediate algebra), science – 2 years (3 years recommended), history and social

sciences – 3 years, and 5 additional courses to earn a total of 20 units of study.

c. ***Grade-Point Average***. Grades earned in academic courses taken during the sophomore and junior years will be used in the first review of the application. Senior fall semester grades will be a factor for students who are postponed (deferred) for March review

d. ***ACT/SAT I scores. (All SAT I scores reflect the Recentered Scale)***

(1) All freshman applicants are required to have their ACT/SAT I scores sent directly from the testing agencies.

(2) The highest set of scores will be used to make the admission decision.

(3) A list of applicants with new scores that reflect a higher test range will be run *after the receipt of December test tapes*. Counselors will update the S.I. to reflect the increase in test scores.

4. SELECTION INDEX

Admission is based on several factors that combine to produce a freshman class that provides a mixture of attributes and characteristics valued by the University. The process for building the class is found in the *Guidelines for the Calculation of a Selection Index 2000*. The guidelines are to be used to determine a S.I. number which will

be entered on the students record by the reviewing counselor. This Selection Index number will be the factor used to select students for admission, deferral, or denial at each phase of the review process.

* * *

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Procedures for Reviewing LS&A (including Residential College) and Engineering Freshman Applications for all Terms of 2000.

I. Peruse the application and compare information to the Applicant Profile for accuracy.

II. Review each segment of the application in relation to the Selection Index variables.

A. Grades: Does the GPA posted by data entry accurately reflect the grades on the high school transcript? Does consistency exist between he GPA and HSPR?

B. School Factor: Check the high school profile (if provided in the application) to determine if the "S" factor reflects the current characteristics of the school. If you need to make changes in the "S" factor, be sure you use the same information to evaluate all of the students from that school. If an updated profile comes later in the year after you have already started evaluating students and the statistics indicate a change in the "S" factor, continue to use the factor you have been using and make your changes for the following year.

C. Curriculum Factor: Look carefully at the student's course selections for 9th through 12th grades. Look for strength and rigor of curriculum in relation to number of honors, Advanced Placement and/or International Baccalaureate courses offered. Look for number of academics taken all four years and look at the trend of grades earned.

D. Test Scores: If the existing test scores are low and the student has indicated a future test

date, delay for the test scores. Do not enter the Selection Index until the new test scores arrive. If the student does not intend to retest, use existing test scores to evaluation the application.

Engineering applicants with less than a 19 ACT English or 480 SAT Verbal score or less than a 28 ACT Math or 640 SAT Math score must be referred to Steve Parsons or Sheri Samaha.

E. Residency: If there is reason to question a student's instate residency based on instructions from the Residency Classification Office (RCO), you must assume the student is a non-resident for admission purposes until determined otherwise by the RCO. When a determination is made, notification will be sent to the OUA and the application will be updated if a change in classification has been made. The application will be sent to the reviewing counselor to recalculate the SI and update the database. If the student was deferred under the non-resident guidelines in the initial Mass Action, re-evaluation of the application will occur at the next Mass Action. If the RCO grants residency status to the student beyond the equal consideration date of February 1, the application will be re-evaluated using the residency guidelines.

F. Alumni: Points are only given to direct family line of parents (stepparents), grandparents or siblings.

G. Essay: Look for outstanding content and creativity. Be comfortable that this is an essay that is the product of the student.

H. Outstanding accomplishments and achievements: The expectation is that students do participate in extracurricular activities and leadership

functions in high school. Points are to be given when the activities reflect recognition at state, regional and national levels.

I. Miscellaneous: Points are to be awarded for students who meet the specific qualifications outlined in the Selection Index Worksheet.

III. Selection Index Worksheet: Fill out the sections of the worksheet and calculate the SI. Refer to document "Counselor Instructions: for step-by-step instructions for entering the Selection Index on the database.

IV. Delay for Additional Information: If additional information is needed prior to finalizing the review of the application (additional test scores, fall grades, or other information the counselor wishes to receive), the counselor can add up the points in all appropriate categories of the SI, but cannot enter the SI on the database. The SI Rating Value must remain 0.00 on the Overall Rating panel and blank on the Application Evaluation panel until the application is ready for a decision or it will automatically and erroneously be included in the next Mass Action.

V. Review Flags: **Refer to separate document "Counselor Instructions" for step-by-step instructions on how to enter the Review Flag values on the database**. EWG will set an SI cutoff above which all applicants will be offered admission subject to the Review Flag = 3 Caution Review Pool procedure described in section C below. EWG will then direct Admissions to admit a certain number of applicants from the Review Pool, assembled as described below. For each Mass Action, the Admissions Office will choose the applicants to be admitted from the Review Pool through committee processes where the qualities and characteristics of those in

the Pool can be compared along a number of dimensions. This committee will also decide if an applicant chosen for the Pool should be recommended for admission to CSP or the Summer Bridge Program. As with the other components for our admission process, the overall goal is to admit a class of qualified students who best serve our educational mission both individually and as a group.

A. Review Flag = 0

This is the default value for the review flag, and indicates that there is not an unusual circumstance relevant to this application. The counselor does not have to enter this default value.

B. Review Flag = 1 Positive Review Pool

Counselors may set this review flag if the applicant meets the following three criteria: (1) is academically prepared to do the level of work required at Michigan; (2) possesses some other positive qualities and characteristics that would contribute to the freshman class as defined in items 1-7 below; and (3) has an SI as indicated below.

LS&A Resident: SI $\geq$ 80,
LS&A Non-Resident: SI $\geq$ 75,
Engineering Resident: SI $\geq$ 85,
Engineering Non-Resident: SI$\geq$80.

If the counselor decides an applicant should be assigned a Review Flag = 1, this flag must be set for all SI values equal to or greater than the Selection Indexes designated above because counselors will not know what the EWG SI threshold for admission will be when reviewing applications.

Assigning Review Flag = 1 requires counselor discretion and judgment. If there are particular circumstances where the counselor believes that a

student with an SI below the designated level should be included in the Positive Review Pool, he or she should consult with the LS&A or Engineering liaison before assigning the flag. Further evaluation will take place in the committee process. *Applicants flagged for the Review Pool will not necessarily be admitted.*

1. *Top of the Class*

a) LS&A and Residential College

(1) The counselor will set the Review Flag to "1" if the LS&A or RC applicant has the following credentials:

(a) Michigan Resident HSPR ≥ 98% ***or*** *Non-resident HSPR = 99%*

and

- no declining grades,
- 18 solid academic courses, including a strong senior year course load
- high ratings from the high school counselor.

OR

(b) Michigan Resident and Non-resident GPA ≥ 3.9

and

- no declining grades,

- 18 solid academic courses, including a strong senior year course load
- SAT 1 total ≥ 1380 or ACT Composite ≥ 31
- high ratings from the high school counselor.

(2) The Review Flag may also be set to "1" if the student resides in a county in Michigan other than Livingston, Macomb, Oakland, Washtenaw or Wayne and has all of the following:

- HSPR ≥ 95%
- GPA ≥ 3.7
- no declining grades
- 18 solid academic courses, including a strong senior year course load
- SAT 1 total ≥ 1270 or ACT composite ≥ 28
- high ratings from the high school counselor

b) Engineering

(1) The counselor will set the Review Flag to "1" if the Engineering applicant has all of the following:

- GPA ≥ 4.0
- no declining grades

- 18 solid academic courses, including one year of chemistry
- strong senior year course load
- SAT I math score ≥ 740 or ACT math score ≥ 32
- SAT I verbal score ≥ 640 or ACT English score ≥ 29
- high ratings from the high school counselor.

2. *Unique life experiences, challenges, circumstances, interests or talents*

3. *Disadvantaged background, e.g. socio-economic status, educated in a disadvantaged school setting*

4. *Underrepresented race or ethnicity or geography*

5. *Important connections to our University community, e.g. donor relations, faculty and staff relationships*

6. *Recruited Athletes*

7. *Applications received through "on-the-spot" admission program*

C. Review Flag = 3 Caution Review Pool

For an applicant whose SI does not capture some significant concern, the Review Flag should be set to "3" by the reviewing counselor. Written documentation regarding the reasons for the RF=3 is to be placed in the application. All RF=3 applications

will be reviewed by committee processes to determine the appropriate action. Examples of such concerns could include a pattern of declining grades, a less demanding curriculum, the senior year with three or less academic courses or counselor comments, or a positive response to question 35 on the application.

D. Other Review Flags Not Equal to 0, 1, or 3

The Mass Action SQR will add 10 to the Review Flag value every time the application is processed by the program. For example, a Top of the Class "1" who is admitted will have a Review Flag of "11" after the program is run. Counselors should not adjust Review Flags that have values greater than "3". If a counselor has an situation in which a Review Flag needs to be adjusted, please bring the application to the attention of MM or PH.

VI. Top Scholars: To expedite the admission of top scholars to the College of Literature, Science, and the Arts and to the College of Engineering so that each college may have access to the students in a timely manner for recruiting purposes, a team of designated readers will review all applications with credentials at or above a GPA of 3.8 and an SAT I of 1400 or ACT of 32 as quickly as the applications are ready for review. If admissible according to the EWG designated threshold, the applications will be processed through Mass Action on a weekly basis.

Office of Undergraduate Admissions

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COLLEGE OF LITERATURE, SCIENCE AND THE ARTS GUIDELINES FOR ALL TERMS OF 1999

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LS&A Contact	Charles Judge, Director of Academic Standards 1219 J Angell Hall, 1003	764-2772	936-3222 e-mail: cjudge@umich.edu
LS&A Enrollment Working Group Representative	John G. Cross, Associate Dean for Budget and Administration 2542 LS&A Bldg. 1382	964-2697	763-3275 e-mail: jcross&umich.edu
LS&A Liaison	Robert Owen, Associate Dean of Undergraduate Curriculum 2508 LS&A Bldg. 1382	764-2697	764-0320 e-mail: rowen@umich.edu
LS&A Liaison	Esrold A. Nurse Assistant Dean for Student Academic Affairs 1402 Mason Hall, 1027	647-5577	964-7297 e-mail: eanurse@umich.edu

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(2) Exceptions to the graduation requirement may be made for extremely gifted and brilliant students who meet YSEP standards and are admitted under those

conditions. (Look in Table of Contents for YSEP location in guidelines)

(3) *Home schooled students whose grades do not reflect a measure of accomplishment from participation in a typical classroom with other students, will have to provide additional evidence of preparation, such as earning scores on specific SAT II Subject exams at a level which will assure they are as competitively admissible as students who attend public or private high schools. Home schooled students will be assigned to OUA liaison, Marilyn McKinney.*

b. ***Course Preparation.*** All students are expected to take a demanding college preparatory curriculum in 9th through 12th grades. The following minimum preparation is suggested for all student applying for admission to LS&A: English – 4 years, foreign language – 2 years (recommended 4 years), mathematics – 3 years (through intermediate algebra), science – 3 years (2 laboratory science courses), social studies – 3 years, and 5 additional courses to earn a total of 20 units of study.

c. ***Grade-Point Average***. Grades earned in academic courses taken during the sophomore and junior years will be used in the first review of the application. Senior fall semester grades will

be a factor for students who are deferred for March review

d. ***ACT/SAT I scores. (All SAT I scores reflect the Recentered Scale)***

(1) All freshman applicants are required to have their ACT/SAT I scores sent directly from the testing agencies.

(2) The highest set of scores will be used to make the admission decision.

(3) A list of applicants with new scores that reflect a higher test range will be run *after the receipt of December test tapes*. Counselors will update the S.I. to reflect the increase in test scores.

4. **SELECTION INDEX**

Admission is based on several factors that combine to produce a freshman class that provides a mixture of attributes and characteristics valued by the University. The process for building the class is found in the *Guidelines for the Calculation of a Selection Index 1999*. The guidelines are to be used to determine a S.I. number which will be entered on the students record by the reviewing counselor. This Selection Index number will be the factor used to select students for admission, deferral, or denial at each phase of the review process.

* * *

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JENNIFER GRATZ, *et al.*, Plaintiffs, v. LEE BOLLINGER, *et al.*, Defendants.	)	Civil Action No. 97-75231 Hon. Patrick J. Duggan Hon. Thomas A. Carlson

DEFENDANTS' SUPPLEMENTAL OBJECTIONS AND RESPONSE TO INTERROGATORY NUMBER ONE (1)

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure (the "Federal Rules"), Rule 26.1 of the Rules of the United States District Court for the Eastern District of Michigan (the "Local Rules"), Defendants Lee Bollinger, James J. Duderstadt, and the Regents of the University of Michigan, through their undersigned counsel, submit the following Supplemental Objections and Response to Interrogatory Number One (1) of Plaintiffs' Interrogatories to Defendants (Set I), served on Plaintiffs' counsel on April 7, 1998.

DEFINITIONS

Defendants hereby incorporate by reference their Definitions, as originally set forth in their responses to Plaintiffs' Interrogatories to Defendants (Set I).

SUPPLEMENTAL OBJECTIONS AND RESPONSE TO PLAINTIFFS' INTERROGATORY NUMBER ONE (1)

Defendants hereby incorporate by reference their General Objections, as originally set forth in their responses to Plaintiffs' Interrogatory to Defendants (Set I), as though fully set forth therein, and no response shall be construed to waive any of those General Objections.

***Interrogatory No. 1*: Describe in detail the process by which the LSA makes or made decisions to admit, delay, reject, or take other action on applications for admission to the LSA for each class year from 1990 to the present (including the prospective 1998 class).**

***Supplemental Objections and Response to Interrogatory No. 1*:** Since the time Defendants served their Response to Interrogatory Number One (1) of Plaintiffs' Interrogatories to Defendants (Set I), on April 7, 1998, the Office of Undergraduate Admissions ("OUA") process for admitting students to the College of Literature, Science and the Arts ("LSA") has changed in the following material respects:

First, the way in which admissions decisions are executed has changed. As under the previous OUA guidelines for LSA admissions, counselors review application materials and use their professional expertise to set the "Selection Index" score. Counselors also have the option of "flagging" an application depending on the counselor's judgment about the applicant's ability to succeed at the University and to contribute to the class.

An admissions counselor may flag an application if an applicant meets the following three criteria: (1) the admissions counselor has determined that the applicant is academically prepared to do the level of work required at the University; (2) the applicant possesses a quality or characteristic important to the University's composition of its freshman class (as set forth specifically in the guidelines): (a) they have a high class ranking (along with a certain threshold GPA and test score), (b) they have unique life experiences, challenges, circumstances, interests or talents, (c) they come from a disadvantaged background (*e.g.*, socioeconomic status, educated in a disadvantaged school setting), (d) they come from an underrepresented race or ethnicity or geography, (e) they are a recruited athlete, or (f) their application was received through the "on-the-spot" admission program; and (3) the applicant has a Selection Index score of greater than or equal to 80 if he or she is a Michigan resident, or a Selection Index score of greater than or equal to 75 if he or she is a non-Michigan resident. In addition, at the discretion of the Provost, an application may be flagged for further review. *See* UMA 159352-159356.

An admissions counselor may also flag an application if, notwithstanding an applicant's high Selection Index score, there is something in the file that suggests that the applicant may not be suitable for admission (*e.g.*, the applicant has a pattern of declining grades or disciplinary problems). Furthermore, in rare circumstances an admissions counselor may also flag an applicant with a Selection Index score below the designated levels if the counselor learns something from reviewing the entire file that suggests that the Selection Index score may not reflect the applicant's full promise or potential.

Both the SI score and any "flag" are recorded by the counselor in the admissions database. After counselor review, admissions decisions are generally executed in one of two ways: The Enrollment Working Group ("EWG") sets Selection Index parameters throughout the admissions season and based on these parameters an action – admit, defer or deny – is executed with respect to many applications. In addition, applications which have been flagged by a counselor (but not admitted based on the EWG parameters) are discussed by the Admissions Review Committee ("ARC"), which is comprised of members of OUA and the Office of the Provost. Each application submitted to ARC is reviewed and discussed by the members of ARC and a determination is made by the full committee as to whether the application should be admitted, deferred, or denied.

Second, OUA now may defer the applications of underrepresented minorities, in contrast to its prior practice of undertaking to make immediate decisions to admit or deny such applicants.

Third, OUA no longer admits any applicants through what was known as an "automatic admit" process without an extensive review of their entire admissions file. Instead, all applications are now reviewed by counselors and assigned a Selection Index score before an admissions decision is made.

Fourth, OUA has discontinued the use of "protected categories." This change was made notwithstanding the University's historical experience of receiving applications from minority groups later in the admissions cycle.

Defendants state that in addition to documents previously produced, additional documents from which a response to this interrogatory may be ascertained have

been produced to Plaintiffs and Defendant-Intervenors on February 7, 2000 and May 5, 2000. Pursuant to Rule 33(d) of the Federal Rules, Defendants refer Plaintiffs to those documents, including, without limitation, UMA 130380-130382, UMA 159288-159315, UMA 159316-159343, UMA 159344-159351, UMA 159352-159356, and UMA 159357-159362.

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Dated: June 9, 2000

[Certificate Of Service Omitted In Printing]

1998 GUIDELINES TRAINING
Tuesday, September 2, 1997

I. Selection Index Guidelines

A. History for change from 2-way Table to Linear Model. (anti-affirmative action climate)

1. 1995 & prior: separate guidelines for majority and minority (resident & nonresident separate)

2. 1996: separate guidelines collapsed onto same table (resident & nonresident separate)

3. 1997: one table, two lines, top majority, bottom diversity applicants (resident & nonresident separate)

B. 1998: Linear model called *Guidelines for the Calculation of a Selection Index*. One model for all schools and colleges except Engineering, second model for College of Engineering.

Goal: Admit the same class as if using old method.

C. Development of the model:

1. Random sample of 800 LSA applicants with first review decisions, tested additional 200 as sample with new Selection Index guidelines.

2. Determined weight of each variable, e.g. test scores, GPA1, "S" & "C" factors, geography, legacy, diversity.

3. Based on actions taken on 1997 guidelines, a linear model was developed using a 150 point Selection Index Scale.

4. Values were assigned to each variable (factor) with academics, (GPA, "S", "C") receiving 2/3 of the points, adding test scores resulted in73% of

the weight being academic. The remaining 27% is composed of factors valued by the University, i.e. geography (MI residents), alumni relations, essay, personal achievement, leadership and service, socioeconomically disadvantaged, underrepresented racial/ethnic minority, scholarship athletes, Director's discertion, and professional diversity.

D. Reviewing the Guidelines, factor by factor

E. Using the Selection Index Worksheet (overhead)

1. A S.I. Worksheet, with student's name, social security number, type, unit, and term will be inserted in every freshman application by the file clerks before applications are placed in counselors' buckets. (Yellow for all units except Engineering/blue for Engineering)
2. Test scores are printed on the Information Sheet.
3. GPA (formerly called GPA1) is recorded on left edge of page 1 of the application along with other coding that used to be at bottom of application.
4. School factor is determined by each counselor based on high school profiles and "S" formula.
5. Curriculum factor is determined by quality & quantity of student's classes and "C" formula.
6. Sub score 1 = points for academic factors in col. 1
7. Geography is residency factor, as well as under represented MI counties and underrepresented states.

8. Alumni factor recognizes family ties to UM.
9. Essay point can be achieved through exceptional essay.
10. Personal Achievement assigned for state, regional or national accomplishments.
11. Leadership & Service assigned for state, regional or national accomplishments.
12. Miscellaneous factor covers socio=economic disadvantaged, underrepresented racial/ethnic minority, underrepresented gender in profession, scholarship athletes, director's discretion.
13. Add points in Other Factors column and put sum of points in sub score box 2.
14. Add two subscores together to get Selection Index.

F. Translating Selection Index to action decisions. (**Overhead**)

1. Use (Unit Selection Index Action Chart to determine appropriate action to take on application.
2. LSA.
   a. Review S.I. Chart and appropriate actions to take.
   b. Do two or three example applications on overhead S.I. Worksheet with counselors deciding quality S.I. points and appropriate action to take.

G. Marking up the Application Folder (**Overhead**)

1. Transfer GPA and Selection Index number to application folder.

2. Enter CSP designation & initial if final action, otherwise do not mark in CSP designation.

3. Mark appropriate action in Action Column and appropriate letter in Letter Column.

4. Check markups for accuracy.

H. Automatic Decisions for LSA

1. All applicants with a 3.8 or higher GPA, ACT composite score of 27 or higher or SAT total score of 1200 or higher, and strong curriculum determined as 18 or more academic courses from 9th through 12th grades will be marked up for admission by designated data entry clerks.

2. Applications with above GPA and test scores, but with fewer than 18 academic courses will be reviewed by the counselors

3. Exceptions: To conform with the model's development based on 1997 process, all underrepresented minority and private/parochial school applications will be reviewed by appropriate counselor.

I. To monitor the accuracy of the decisions using the Selection Index model versus the 1997 guidelines, counselors should set aside any nonresident applications which are not admits with a GPA of 4.0/ACT of 24 or higher or SAT of 1090 or higher. Also set aside any nonresident with a GPA of 3.6 and ACT of 31 or higher or SAT of 1360 or higher that are not admissible according to the S.I. Chart.

2. Mark the decisions according to the 1998 LSA S.I. Chart and then give the the applications to MM with a note describing the problem. The

applications will be given to MM to copy before going to letter production.

3. We will carefully monitor the flow of decisions during this processing year to make sure we reach the target desired by the LSA Deans.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JENNIFER GRATZ and PATRICK HAMACHER, for themselves and all others similarly situated,

Plaintiffs,

v.

LEE BOLLINGER, JAMES J. DUDERSTADT, THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN,

Defendants,

and

EBONY PATTERSON, RUBEN MARTINEZ, LAURENT CRENSHAW, KARLA R. WILLIAMS, LARRY BROWN, TIFFANY HALL, KRISTEN M.J. HARRIS, MICHAEL SMITH, KHYLA CRAINE, NYAH CARMICHAEL, SHANNA DUBOSE, EBONY DAVIS, NICOLE BREWER, KARLA HARLIN, BRIAN HARRIS, KATRINA GIPSON, CANDICE B.N. REYNOLDS, by and through their parents or guardians, DENISE PATTERSON, MOISE MARTINEZ, LARRY CRENSHAW, HARRY J. WILLIAMS, PATRICIA

Civil Action No. 97-75231
Hon. Patrick J. Duggan
Hon. Thomas A. Carlson

NOTICE OF APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

(Filed Feb. 26, 2001)

SWAN-BROWN, KAREN A. MCDONALD, LINDA A. HARRIS, DEANNA A. SMITH, ALICE BRENNAN, IVY RENE CHARMICHAEL, SARAH L. DUBOSE, INGER DAVIS, BARBARA DAWSON, ROY D. HARLIN, WYATT G. HARRIS, GEORGE C. GIPSON, SHAWN R. REYNOLDS, AND CITIZENS FOR AFFIRMATIVE ACTION'S PRESERVATION,

Defendant-Intervenors.

_____/

Plaintiffs Jennifer Gratz and Patrick Hamacher, for themselves and for the members of the class certified by the district court in its order dated December 23, 1998, hereby appeal to the United States Court of Appeals for the Sixth Circuit from (1) the Order of the district court filed on January 30, 2001, that granted defendants' motion for summary judgment and denied plaintiffs' request for injunctive relief and (2) the final judgment (pursuant to Fed. R. Civ. P. 54(b)) entered on February 9, 2001, dismissing plaintiffs' claims against defendants Duderstadt and Bollinger in their individual capacities on grounds of qualified immunity.

Dated: 2/23/01

Maslon Edelman Borman & Brand, LLP

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Nos. 01-0102/0104

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

In re: LEE BOLLINGER, et al. Petitioners (01-0102).	)	
In re: JENNIFER GRATZ; PATRICK HAMACHER, Cross-Petitioners (01-0104).	)	ORDER (Filed Mar. 26, 2001)

Before: MARTIN, Chief Judge; DAUGHTREY and MOORE, Circuit Judges.

In this action, the plaintiffs challenge the admissions policy of the University of Michigan's College of Literature, Science and the Arts. The district court entered an opinion addressing pending motions in this action on December 13, 2000. Subsequently, the court granted the request of the plaintiffs and defendants to certify the following two issues for appeal:

> 1. Whether a public university has a compelling interest in achieving the educational benefits of a diverse student body that will justify the consideration of race as a factor in admissions, and
>
> 2. Whether the admissions systems employed by the University of Michigan College of Literature, Science and the Arts from 1995 until 2000 are properly designed to achieve that interest.

The defendants filed a timely petition for permission to appeal pursuant to 28 U.S.C. § 1292(b). Within seven

days, as calculated by the guidelines of Fed. R. App. P. 26, the plaintiffs filed an answer and cross-petition.

This court may in its discretion accept for immediate review an order of the district court certified for interlocutory appeal if: (1) the question involved is one of law; (2) the question is controlling; (3) there is substantial ground for a difference of opinion respecting the correctness of the district court's decision; and (4) an immediate appeal may materially advance the ultimate termination of the litigation. 28 U.S.C. § 1292(b); *see Cardwell v. Chesapeake & Ohio Ry. Co.*, 504 F.2d 444, 446 (6th Cir. 1974). Review under § 1292(b) should be sparingly granted and then only in exceptional cases. *Kraus v. Board of County Road Commissioners for Kent County*, 364 F.2d 919, 922 (6th Cir. 1966).

Upon consideration, the petition and cross-petition for permission to appeal hereby are **GRANTED**.

ENTERED BY ORDER OF THE COURT

/s/ Leonard Green
Clerk

Nos. 01-1333/1416/1418/1438/1447/1516

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JENNIFER GRATZ AND PATRICK HAMACHER FOR THEMSELVES AND ALL OTHER SIMILARLY SITUATED, Plaintiffs-Appellants (01-1333 and 01-1418), Plaintiffs-Appellees (01-1416), v. LEE BOLLINGER, ET AL., Defendants-Appellees (01-1333 and 01-1418) Defenadants-Appellants (01-1416), EBONY PATTERSON, ET AL., Defendants-Appellees (01-1333) (01-1416) Intervening Defendants-Appellees (01-1418) Intervening Defendants-Appellants (01-1438	) **ORDER**) (Filed Oct. 19, 2001)
BARBARA GRUTTER, Plaintiff-Appellee (01-1447 and 01-1516), v.	

LEE BOLLINGER, ET AL.,
Defendants-Appellants
(01-1447),

and

KIMBERLY JAMES, ET AL.,

Intervening Defendants-
Appellants (01-1516)

BEFORE: MARTIN, Chief Circuit Judge; BOGGS, SILER, BATCHELDER, DAUGHTREY, MOORE, COLE, CLAY, and GILMAN, Circuit Judges

The plaintiffs in these consolidated appeals filed a petition seeking initial *en banc* review of the decisions of the two district courts before whom the cases were heard. The petition was referred to the three-judge panel to which the appeals had been assigned for oral argument on October 23, 2001.

The panel requested that all of the active judges of the court be polled to determine whether or not the petition should be granted and the appeals be presented in the first instance to the *en banc* court for argument and decision. A majority of the active judges voted to grant the petition; therefore

IT IS ORDERED that the petition for initial hearing *en banc* be, and it hereby is, GRANTED. It is FURTHER ORDERED the oral argument scheduled for October 23, 2001 is cancelled; oral argument to the *en banc* court

will be on Thursday, December 6, 2001, at 1:30 P.M., EST, in Cincinnati, Ohio.

ENTERED BY ORDER
OF THE COURT

/s/ Leonard Green
Leonard Green, Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JENNIFER GRATZ, *et al.*, Plaintiffs, v. LEE BOLLINGER, *et al.*, Defendants, and EBONY PATTERSON, *et al.*, Intervening Defendants.	)	Case No. ___

PETITION FOR PERMISSION TO APPEAL

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PETITION FOR PERMISSION TO APPEAL

The district court's order in this case, dated January 30, 2001, certified the following two issues for appeal pursuant to 28 U.S.C. § 1292(b): (1) whether a university's interest in realizing the educational benefits that flow from a racially and ethnically diverse student body is compelling and therefore justifies the consideration of race and ethnicity in admissions, and (2) in what manner and to what extent a university's properly designed admissions system may take race into account to achieve that end.[1]

On the merits, this case presents a challenge to the University of Michigan's consideration of race and ethnicity as one of many factors in making admissions decisions. The district court below held, based on "solid evidence" provided by the Defendants, that a university has a compelling interest in achieving the educational benefits of a racially and ethnically diverse student body, thereby recognizing the continuing vitality of *Regents of the Univ. of California v. Bakke*, 438 U.S. 265 (1978), and the correctness of the reasoning in Justice Powell's pivotal opinion in that case.[2] (*See* Ex. B at 21.) The district court also held that the admissions policies and practices in place at the University's College of Literature, Science, and the Arts ("LSA") from 1999 forward are narrowly tailored to achieve this compelling interest, (*see id.* at 39), while, because of certain discontinued features, the admissions

[1] A copy of the district court's Order, dated January 30, 2001, is attached as Exhibit A.

[2] A copy of the district court's Opinion, dated December 13, 2000, is attached as Exhibit B and is reported at 122 F. Supp. 2d 811 (E.D. Mich. 2000).

systems that were in place from 1995-1998 "cross that thin line from the permissible to the impermissible." (*Id.* at 31). Defendants believe that the district court correctly determined that the attainment of the educational benefits of diversity is a compelling interest and that LSA's admissions systems in place from 1999 forward are narrowly tailored to achieve that interest. Yet, Defendants respectfully disagree with the district court's ultimate conclusion that the 1995-1998 admissions systems fell on the unconstitutional side of the line.

Plaintiffs have represented that they would seek an interlocutory appeal of the portion of the district court's order declaring that achieving the educational benefits of diversity is a compelling interest and that the LSA admissions systems in place from 1999 forward are narrowly tailored to achieve that interest.[3] (*See* Ex. C.) Defendants understand that Plaintiffs intend to effectuate that appeal by filing a cross-petition on these issues within seven days of the filing of Defendants' petition, as provided by Fed. R. App. P. 5(b)(2). Therefore, *on the condition* that Plaintiffs do bring an interlocutory cross-appeal from the district court's January 30, 2001 Order, pursuant to 28 U.S.C. § 1292(b), *and* this Court agrees to hear that appeal, *then* Defendants seek permission, pursuant to 28 U.S.C. § 1292(b) and Fed. R App. P. 5, to appeal from the portion of the district court's order holding that LSA's 1995-1998 admissions systems are unconstitutional. In the event that

[3] A copy of the joint letter that the Plaintiffs and Defendants submitted to the district court, requesting that the district court certify its order for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) is attached as Exhibit C.

Plaintiffs fail to file such a cross-petition within seven days after Defendants file this petition, or that this Court declines to hear that appeal, then Defendants' petition should be deemed withdrawn.[4] However, in light of the singular importance of these issues and their significant consequences in this case and beyond, Defendants and Plaintiffs agree that this Court should accept *both* Defendants' Petition and Plaintiffs' cross-petition, pursuant to 28 U.S.C. § 1292(b), in order to address the important legal questions that govern how a university may consider race in admissions.

Since the Supreme Court held in *Bakke* that institutions of higher education could constitutionally consider race and ethnicity in making admissions decisions, nearly all of the major colleges and universities in this country – including the University of Michigan – have adopted admissions policies designed to achieve the educational benefits that flow from a racially and ethnically diverse student body. The Supreme Court has not revisited, nor even questioned, *Bakke*'s central holding. Nevertheless, Plaintiffs seek to overturn *Bakke* and to prevent colleges and universities from crafting their admissions policies to further the vital educational goal of realizing – for all students – the benefits of a racially and ethnically diverse student body.

[4] In the event that Plaintiffs file any other valid interlocutory appeal, over which this Court has and exercises jurisdiction, Defendants respectfully request that the Court grant this petition for permission to appeal pursuant to 28 U.S.C. § 1292(b), in conjunction with Plaintiffs' appeal.

"Whether it is constitutional for a public college or graduate school to use race or national origin as a factor in its admissions process is an issue of great national importance." *Texas v. Hopwood*, 518 U.S. 1033 (1996) (Ginsburg, J., joined by Souter, J., op. resp. den. pet. for cert.). This issue has been the subject of several high-profile lawsuits. Despite *Bakke*, judicial responses to these challenges have resulted in a patchwork of contradictory rulings on the central legal questions. Compare *Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996) (rejecting diversity as a compelling interest in higher education and holding that only a narrow remedial rationale justifies the consideration of race in admissions) and *Johnson v. Board of Regents of the Univ. of Georgia*, 106 F. Supp. 2d 1362 (S.D. Ga. 2000) (holding that the university had failed to provide empirical evidence of the educational benefits of diversity and that those benefits were too amorphous to constitute a compelling interest) (appeal pending before the Eleventh Circuit) *with Smith v. Univ. of Washington Law Sch.*, 233 F.3d 1188 (9th Cir. 2000) (holding that the diversity rationale adopted by Justice Powell in *Bakke* is binding precedent as the narrowest ground in support of the judgment to permit the consideration of race in university admissions) (*sua sponte* consideration of rehearing *en banc* pending) and the decision below, *Gratz v. Bollinger*, 122 F. Supp. 2d 811, 822 (E.D. Mich. 2000) (holding that achieving the educational benefits of diversity is a compelling interest, based on "solid" empirical evidence).

Interlocutory appeal of *all* the questions certified by the district court in this case is warranted. *See* 28 U.S.C. § 1292(b); Fed. R. App. P. 5. The district court's certification of its order is proper because the order presents controlling questions of law, upon which there are substantial grounds

for disagreement, and the resolution of these issues will materially advance not only this litigation, but also the clarity of the nation's jurisprudence on the consideration of race in admissions in higher education.

FACTUAL BACKGROUND

To assist this Court in understanding the nature of the controlling legal questions at issue in this case, as well as the district court's resolution of those questions, Defendants provide below a brief description of the "solid evidence" of the educational benefits of diversity, submitted by Defendants and relied upon by the district court, as well as a brief explanation of the operation of LSA's admissions systems from 1999 forward and from 1995-1998.

A. Procedural History.

On October 14, 1997, Plaintiffs Jennifer Gratz and Patrick Hamacher brought this action against Defendants, the Board of Regents of the University of Michigan and several individual University officials, alleging that the University's College of Literature, Science and the Arts had violated Plaintiffs' rights under Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the United States Constitution, through its consideration of race and ethnic origin as one of many factors in making admissions decisions. Plaintiffs sought compensatory and punitive damages, as well as declaratory and injunctive relief. (*See* Ex. B at 2.) This Court permitted a group of current and prospective minority undergraduate students to intervene at defendants. *See Grutter v. Bollinger*, 188

F.3d 394 (6th Cir. 1999) (reversing, on interlocutory appeal, the district courts' denial of intervention).

On December 23, 1998, the district court bifurcated the proceedings into a liability phase – which the court purported to limit to Plaintiffs' claims for injunctive and declaratory relief – and a damages phase. For the liability phase only, the district court certified an injunctive class, pursuant to Federal Rule of Civil Procedure 23(b)(2), of non-underrepresented minority students who applied for admission to LSA from 1995 forward, and who were denied admission. The district court specifically set aside the question of whether to certify a class for purposes of the damages phase[5] (*See* Ex. B at 2, 6.)

The district court issued its opinion on December 13, 2000, resolving the parties' cross-motions for summary judgment Concluding that the University's undisputed expert case, as well as the arguments advanced by *amici* who submitted briefs in support of the University's position, established the compelling nature of the significant educational benefits that flow from a racially and ethnically diverse student body, the district court granted Defendants' motion for summary judgment with respect to the admissions programs in effect from 1999 forward and denied Plaintiffs' request for an injunction. The district court also dismissed the claims against the individual defendants based on the doctrine of qualified immunity. In

[5] In light of new case law, Defendants requested relief from the class certification order. The district court denied the request. This Court consolidated Defendants' petition for permission to appeal under Rule 23(f) with a similar petition filed in *Grutter v. Bollinger*, and denied the petition as untimely.

addition, the district court granted Plaintiffs' motion for summary judgment with respect to the admissions programs in place from 1995-1998 because, the court concluded, the now-defunct policies were not narrowly tailored to achieve that compelling interest. On January 30, 2001, in response to a request by Plaintiffs and Defendants, (*see* Ex. C), the district court issued an order effectuating these holdings and certifying two questions for interlocutory appeal pursuant to 28 U.S.C. § 1292(b): (1) whether a public university has a compelling interest in achieving the educational benefits of a diverse student body that will justify the consideration of race as a factor in admissions; and (2) whether the admissions systems employed by LSA from 1995 forward are properly designed to achieve the educational benefits of a diverse student body.[6] (*See* Ex. A.)

B. The Educational Benefits of Diversity.

As the district court found, the University of Michigan has made an academic judgment that "diversity [is] an integral component" of its educational mission and that diversity "increase[s] the intellectual vitality of the University's] education, scholarship, service, and communal life." (Ex. B at 3.) In order to achieve the benefits that a diverse student body will provide for all students, the University seeks to compose a class of students of different racial, ethnic, cultural, socioeconomic, and geographical

[6] Defendants' petition is timely filed within the ten days allotted by 28 U.S.C. § 1292(b).

backgrounds, who bring with them a wide range of interests, achievements, experiences, and beliefs.

The University's determination that a diverse student body improves learning inside and outside the classroom for all students – minorities and nonminorities alike – comports with the consensus reached in the larger educational community. As the district court noted, many educational organizations, representing over 360 institutions of higher learning and at least 25 education-related groups, filed *amicus* briefs in support of the University in this case, extolling the educational benefits of a diverse student body.[7] Amicus briefs were also filed in support of the University's Position by the United States; the State of Ohio; the Attorney General of Michigan; General Motors Corporation; Steelcase, Inc., joined by 19 other global corporations; and the National Association of Social Workers. (*See id.* at 22 (listing briefs).)

The district court relied on the empirical evidence contained in Defendants' experts' reports to hold that achieving the educational benefits of a racially and ethnically diverse student body constitutes a compelling government

[7] *See* Ex. B at 21 (listing *amici*, including the American Council on Education and the Association of American Law Schools, National Association of State Universities and Land Grant Colleges, Committee on Institutional Cooperation (an academic consortium including Indiana University, Michigan State University, Northwestern University, The Ohio State University, Pennsylvania State University, Purdue University, the University of Chicago, the University of Illinois, the University of Iowa, the University of Michigan, the University of Minnesota, and the University of Wisconsin-Madison), and Wayne State University, together representing over 360 institutional members of the professional higher education community).

interest. (*See* Ex. B at 20.) The work of Defendants' nationally recognized experts in the fields of history, sociology, education, and psychology demonstrates that there is a direct and provable relationship between the significance of race in our society and the quality of education in a racially and ethnically diverse setting. Furthermore, these experts prove, with empirical research and data, *how* and *why* racial and ethnic diversity on campus enhances the academic skills and civic preparedness of *all* students by sharpening students' ability to think and analyze in more active and complex ways and preparing students to participate more fully in our pluralistic democracy. The district court concluded that Defendants "presented this Court with solid evidence regarding the educational benefits that flow from a racially and ethnically diverse student body." (*Id.*) The University's presentation and the district court's consideration of this extensive body of empirical evidence of the educational benefits of diversity set this case apart from other cases in which courts have concluded that diversity is not a compelling interest, based on a lack of empirical evidence of the educational benefits it produces. *See Johnson*, 106 F. Supp. 2d at 1371-75 (finding that the University justified diversity as a compelling interest "with syllogism and speculation" and "data no more quantifiable than [ ] years of teaching/administrative experience" and characterizing this as impermissible "circular, 'it is because I say so' logic").

Using national and Michigan student databases, Patricia Y. Gurin, a Professor of Psychology at the University of Michigan, has proven that a racially and ethnically diverse student body provides measurable benefits in at least two areas: academic learning and civic responsibility. Professor Gurin's research demonstrates that students

who experienced the most racial and ethnic diversity in classroom settings and in informal interactions with other students showed the greatest engagement in active thinking processes, increase in intellectual motivation, and growth in intellectual and academic skills. Professor Gurin also shows empirically that students who learn and live in a racially and ethnically diverse environment are better equipped to understand and consider multiple perspectives, to deal with the conflicts that different perspectives may create, to appreciate how differences can be harnessed in pursuit of the common good, and to perceive commonalities amidst differences. (*See* Ex. B at 20-22.)

In light of the historical and sociological data contained in the expert reports of Professors Eric Foner, Albert Camarillo, and Thomas J. Sugrue, it should come as no surprise that education that takes place in a racially and ethnically diverse atmosphere benefits all students, minorities and non-minorities alike. Race is salient to how we live our lives: Americans of different races and ethnicities tend to live in separate communities, to be educated in largely segregated schools, and to go about their daily lives without meaningful contact with members of other groups. Indeed, in some areas, such as housing and elementary and secondary education, our society is as racially separate today as it was before *Brown v. Board of Education*, before the Civil Rights Act of 1964 and the Voting Rights Act of 1965, and before the *Bakke* decision. These segregative patterns are particularly strong in the State of Michigan.

The consequences of this persistent racial separation are enormous, creating a profound impact on students' experiences and perspectives. Most students enter college having had very few sustained interactions with individuals of

other races and ethnicities. This lack of meaningful contact fosters misconceptions and mistrust on all sides and affords little or no opportunity to disrupt the perpetuation of racial stereotypes, to discover unexpected commonalities, or to experience the richness of different racial and ethnic communities.

C. The LSA Admissions Process.

The University necessarily makes its admissions decisions against this backdrop of our diverse, but largely segregated, society, and in recognition of the reality of the consequences of this separation. Having reached the educational judgment that a racially and ethnically diverse student body is essential to its mission, the University of Michigan takes race and ethnic origin into account as a factor in making admissions decisions in order to enroll a student body with sufficient racial and ethnic diversity to yield these educational benefits.

Admission to the University is selective. Many more students apply each year than can be admitted. (*See* Ex. B at 3.) The University only admits applicants whom it believes are qualified. (*See id.* at 42.) Because a significant percentage of applicants are, indeed, qualified for admission, LSA has a talented and rich pool from which to compose a class. Of the large numbers of qualified students who apply to LSA each year, however, there is only a relatively small pool of minority applicants nationwide, and these students are heavily recruited by many selective colleges and universities. Accordingly, without considering race and ethnicity as a factor in admissions, LSA would see a precipitous drop in the numbers of minority students who enroll. (*See id.* at 37-39).

The Office of Undergraduate Admissions ("OUA") is responsible for processing, reviewing, and acting on all applications to LSA. Admissions counselors evaluate every application received through an individualized review. Each of the approximately 20 counselors is responsible for a geographic territory and reviews all applications from that territory. Applications from minority students are assigned to counselors responsible for the relevant geographic area, and are reviewed along with the applications of everyone else. Unlike the "two-track" admissions system that was rejected in *Bakke*, there is *no* separate assignment or review of minority applications, and there are no numerical quotas, goals, or targets for minority students. (*See id.* at 35.)

Admissions decisions are based on a review of many factors and cannot be reduced solely to grades and test scores. The counselors evaluate applications using a "selection index" worksheet, upon which counselors enter a numerical value for each of a number of academic and other factors. An applicant can receive points for the following "academic" factors: high school academic GPA, standardized test scores, strength of high school, and rigor of chosen curriculum. Counselors may also award points for: Michigan residency, underrepresented geographic status, alumni relationships, quality of the required personal essay, leadership and service (based on activities, work experience, and awards), and personal achievement (evidenced by persistence, character, commitment to high ideals, and level of awards). Applicants may also receive points for being socioeconomically disadvantaged, a

member of an underrepresented minority group,[8] from a predominantly minority high school (regardless of race), or a recruited athlete. (*See id.* at 32-33.)

After completing the individualized review and tallying the selection index score, a counselor decides whether or not to flag the application for consideration by an Admissions Review Committee ("ARC"), which was designed to permit debate and discussion on some of the more complex admissions decisions. A counselor may, in his or her discretion, choose to flag an application for ARC discussion if the applicant is academically prepared to do the level of work required at the University; has a selection index score that exceeds a certain level; and possesses a quality or characteristic important to the University's composition of its freshman class. These attributes include, among others, high class rank; unique life experiences, challenges, circumstances, interests or talents; socioeconomic disadvantage; underrepresented race, ethnicity, or geography; and connections to the University community. (*See id.* at 36.)

Counselors review applications as they receive them, and admissions decisions are made at staggered intervals throughout the admissions season. Admissions decisions are generally executed in one of two ways. First, parameters are set, by selection index score, that determine what

[8] The University of Michigan considers underrepresented minorities to be African-Americans, Hispanics, and Native Americans. Because the University receives a substantial pool of applications from Asian-American students, the University is able to achieve diversity with respect to such students without the conscious consideration of an applicant's status as an Asian-American in the admissions process.

admissions action – admit, defer, or deny – will be executed with respect to all applications that have received individualized counselor review at that point in the season. Periodically, these parameters are reviewed and adjusted to prevent over-enrollment and to pace the admissions process appropriately. Second, the ARC reviews and discusses applications that were flagged by the admissions counselor but turn out not to be admitted based on selection index score parameters. After discussion, the ARC decides whether to admit, deny, or defer the applicant.

The district court correctly held that this admissions system is narrowly tailored to achieve the educational benefits of diversity and comports with the principles of *Bakke* because it provides individualized review for every applicant, regardless of race; it does not isolate minority students from competition with non-minority students; and it does not prevent non-minority students from competing for every place in the class. In other words, race is considered as a permissible "plus" factor, consonant with Bakke's prescription. (*See* Ex. B at 32-37, 39.)

OUA continually reviews and evaluates its admissions policies and practices and modifies them when appropriate. Throughout the period relevant to this lawsuit, OUA has maintained its policy of considering race and ethnicity as one of many factors in making admissions decisions. However, the mechanics of *how* race and ethnicity are taken into account in the process have changed. (*See id.* at 31.)

For applications to LSA's entering class of fall 1997 and earlier, counselors used grids, rather than a point-based selection index, to guide them in making admissions

decisions. Each grid had a vertical axis with a score computed from high school academic GPA, quality of school, strength of curriculum, and other factors, and a horizontal axis with standardized test score ranges. Each cell on the grid contained various admission action options available to counselors. Michigan residency, alumni status, and underrepresented racial and ethnic status were accounted for in different grids, as a "plus" factor, rather than within one grid or along one axis of a grid. The University devised the selection index in 1997 to simplify this process. (*See id.* at 30, 43.)

The district court concluded that the grids, standing alone, did not necessarily cross the line that *Baake* draws between a constitutional admissions program and an unconstitutional one. (*See* Ex. B. at 43.) The district court did, however, identify two other features of LSA's prior admissions system that it did not believe passed constitutional muster: (1) the provision in the admissions guidelines that permitted OUA clerks to reject non-minority applicants based on low grades and test scores before those applicants' applications were evaluated by admissions counselors, (*see id.* at 42), and (2) the enrollment management technique, dubbed "protected seats," whereby the University projected and monitored application flow for certain categories of applicants (including underrepresented minorities) who have historically applied later in the admissions season. Given the demands of a rolling admissions system, the concept of protected seats was designed to allow the University to manage the admissions process to ensure that it could still consider the applications of attractive candidates who apply in the later stages of the process without over enrolling the class. (*See id.* at 40-41.) As the district court found, the University has

discontinued its use of the grids, "protected seats," and automatic acceptances and rejections. (*See id.* at 44.)

QUESTIONS PRESENTED

1. Whether a public university has a compelling interest in achieving the educational benefits of a diverse student body that will justify the consideration of race as a factor in admissions.

   We understand that Plaintiffs will seek permission to cross-appeal from the district court's decision that such an interest is compelling.

2. Whether the admissions systems employed by the University of Michigan College of Literature, Science and the Arts from 1995 forward are properly designed to achieve the educational benefits of a diverse student body.

   We understand that Plaintiffs will seek permission to cross-appeal from the district court's decision that the admissions systems employed by LSA from 1999 forward are constitutional.

   On the condition that Plaintiffs file such a cross-petition for permission to appeal on these two issues, and this Court agrees to hear that appeal – and Defendants agree that it should – then Defendants seek permission to appeal the district court's decision that the admissions systems employed by LSA from 1995-1998 are unconstitutional.

RELIEF SOUGHT

On the condition that Plaintiffs file a timely cross-petition for permission to appeal from the district court's January 30, 2001 Order, and that this Court takes that appeal, Defendants ask this Court to grant Defendants' petition in conjunction with Plaintiffs' cross-petition, pursuant to 28 U.S.C. § 1292(b) and Fed. R. App. P. 5. More specifically, Defendants ask this Court to affirm the district court's determination on the primary controlling question of law that achieving the educational benefits that flow from a racially and ethnically diverse student body is a compelling interest that justifies a university's consideration of race and ethnicity in admissions. Defendants also ask this Court to affirm the district court's determination that LSA's admissions systems from 1999 through the present are narrowly tailored to take race into account in the manner and to the extent necessary to achieve this goal. Finally, Defendants ask this Court to reverse the district court's grant of summary judgment in favor of Plaintiffs with respect to the LSA admissions programs in existence from 1995 to 1998, as those programs were also a permissible way to achieve the University's compelling interest in diversity.

Defendants' petition seeks relief only if this Court grants both parties' petitions for permission to appeal from the district court's January 30, 2001 Order, pursuant to 28 U.S.C. § 1292(b). If Plaintiffs do not file such a petition, or if this Court declines to grant that petition, then Defendants' petition seeks no relief and should be deemed withdrawn.[9]

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[9] *See supra* n.4.

REASONS WHY APPEAL SHOULD BE ALLOWED

In light of the national significance of the questions at stake in this case, the recent flurry of conflicting judicial activity in this area, and the conservation of judicial resources in this particular case, this Court should exercise its discretion, pursuant to 28 U.S.C. § 1292(b), to accept Defendants' petition, on the condition that Plaintiffs file and this Court accepts a cross-petition for permission to appeal from the January 30, 2001 Order. Under those circumstances – once all the questions certified by the district court are properly on appeal – this Court could then decide, without further delay, how an institution of higher education may constitutionally consider race and ethnicity in admissions.

Interlocutory appeal is appropriate because the district court has certified that the order "involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b); *see also Mackey v. Milam*, 154 F.3d 648, 650 (6th Cir. 1998). Moreover, the issues at stake are vitally important to colleges and universities and their current and prospective students across the country. This case presents those issues squarely and comprehensively.

A. The District Court Properly Certified Its Order.

The district court has properly found that the statutory requisites of certification are present in this case, and the district court's determination is entitled to deference from this Court. *See Lerner v. Atlantic Richfield Co.*, 690

F.2d 203, 209 (Temp. Emer. Ct. App. 1982) (noting that in exercising its discretion to grant permission to appeal, the appellate court should "give great weight" to the district court's proper certification.

1. *Controlling Question of Law.*

The issues presented by the district court's certified order are "questions of law," as opposed to questions of fact, and "controlling," in that their resolution is likely to affect materially the outcome of the litigation. First, both the compelling interest question and the narrow tailoring question are legal questions. *See Majeske v. City of Chicago*, 218 F.3d 816, 820 (7th Cir. 2000). This is the case even though historical facts are relevant to the outcomes of these questions. As this Court has observed, "[d]eterminations which do no more than attach constitutional significance to historical facts are conclusions of law." *Bratton v. City of Detroit*, 704 F.2d 878, 899 (6th Cir. 1983), *modified on other grounds*, 712 F.2d 222 (6th Cir. 1983).

As the district court noted, the Defendants' empirical proof of the educational benefits of diversity was undisputed, and, in fact, conceded by the Plaintiffs, (*see* Ex. B at 8, 23), leaving the district court to decide only the legal question of whether the pursuit of those benefits constitutes a compelling interest under the strict scrutiny standard. Similarly, the facts surrounding the operation of the LSA admissions process were undisputed as well, (*see id.*), leaving the district court to decide the purely legal question of whether the admissions programs were narrowly tailored to achieve the University's compelling interest in obtaining the educational benefits of diversity.

See Majeske, 218 F.2d at 820 (observing that whether there is sufficient evidence to conclude that an interest is compelling and whether an affirmative action program is narrowly tailored are both legal questions); *Contractors Assoc. of E. Pa. v. City of Philadelphia*, 91 F.3d 586, 596 (3d Cir. 1996) (same); *Concrete Works of Colo., Inc. v. Denver*, 36 F.3d 1513, 1522 (10th Cir. 1994) (same). Accordingly, the questions presented by the district court's order are questions of law, as required by § 1292(b).

Second, the two questions presented by the district court's certified order are controlling because they are necessary and sufficient to determine the constitutionality of the University's admissions process. Accordingly, those questions satisfy § 1292(b)'s requirement that their resolution "could materially affect the outcome of litigation in the district court." *Baker & Getty Fin. Servs., Inc. v. Nat'l Union Fire Ins. Co.*, 954 F.2d 1169, 1172 n.8 (6th Cir. 1992). The question of whether achieving the educational benefits of diversity constitutes a compelling interest is the central, threshold legal question in this case. That inquiry, together with the question of how a university may structure its admissions system to achieve such an interest will determine whether, and, if so, when, the University will ever have to defend against claims for damages by any plaintiffs (or be bound by injunction to alter their admissions policies). *See Sokaogon Gaming Enter. Corp. v. Tushie-Montgomery Assocs. Inc.*, 86 F.3d 656 (7th Cir. 1996) (deciding that a question of law may, be deemed "controlling" for purposes of § 1292(b) if its resolution is quite likely to affect the further course of the litigation); *see also Klinghoffer v. S.N.C. Achille Lauro*, 921 F.2d 21, 24 (2d Cir. 1990) (observing that resolution of an

issue need not necessarily terminate an action in order to be "controlling" for purposes of § 1292(b)).

2. *Materially Advance the Ultimate Termination of the Litigation.*

Resolution of these two questions will materially advance the ultimate termination of this litigation because it will ensure that the trial of damages claims – if any trial is ever necessary – proceeds in a manner that maximizes judicial efficiency.

Because the district court bifurcated this action, creating a separate damages phase that has not yet commenced, the "ultimate termination" of this litigation would require a significant expenditure of judicial resources. To resolve the damages issues, the court would first have to consider whether to certify a class under Rule 23(b)(3). If certification were not appropriate, thousands of damages proceedings, all of them subject to the possibility of a jury trial via the Seventh Amendment, would have to be tried in the district court. Because under *Texas v. Lesage*, 528 U.S. 18 (1999), Defendants are not liable for damages if an applicant would not have been admitted under a race-blind admissions system, each damages proceeding would entail an individualized inquiry into the necessary antecedent question of whether that plaintiff would have been admitted.

3. *Substantial Ground for Difference of Opinion.*

The substantial ground for difference of opinion on these questions is clear from the fact that courts that have considered these issues have split, not only as to the

ultimate outcome, but also as to their reasoning. The Fifth Circuit is the only court of appeals to disregard Justice Powell's opinion in *Bakke* and hold that achieving the benefits of diversity cannot be a compelling state interest. *See Hopwood v. Texas*, 78 F.3d 932 (5th Cir. 1996). One district court has also followed the Fifth Circuit's lead, determining that an interest in diversity did not and could not rise to the level of a compelling interest because "the 'diversity' interest is so inherently formless and malleable that no plan can be narrowly tailored to fit it." *Johnson v. Board of Regents of the Univ. of Georgia*, 106 F. Supp. 2d 1362, 1374 (S.D. Ga. 2000) (finding that the University of Georgia, in offering only the testimony of its President, failed "to meaningfully show how [racial diversity] actually fosters educational benefits," and holding that "an interest in 'diversity' is amorphous at best" and has "no principled stopping point") (appeal pending before the Eleventh Circuit). (*Compare* Ex. B at 23-24.)

The Ninth Circuit split with the Fifth Circuit in resolving, on interlocutory appeal pursuant to 28 U.S.C. § 1292(b), the questions of "whether educational diversity is a compelling governmental interest that meets the requirement of 'strict scrutiny' for race-conscious measures under the Fourteenth Amendment to the United States Constitution" and "whether race may be considered only for remedial purposes." *Smith v. Univ. of Washington Law Sch.*, 233 F.3d 1188 (9th Cir. 2000). The Ninth Circuit held that the diversity rationale in Justice Powell's opinion is binding precedent as the narrowest ground in support of the judgment reversing the lower court's injunction banning the use of race in admissions. In this analysis, the Ninth Circuit's resolution of this question differs from the district court's resolution in this case, although both courts

ultimately concluded that achieving the educational benefits of diversity is a compelling interest.[10] (*See* Ex. B at 15.)

B. The Questions Present an Important National Issue.

Not only does the district court's order meet the statutory requirements for certification, but the national significance of these questions provides an additional reason that this Court should hear this appeal now. The fact that a question of law that is controlling in the present case also may be important to other cases – and to American higher education – is a factor to be considered in exercising the discretionary power to permit a § 1292(b) appeal, although it is not a necessary precondition. *See Klinghoffer*, 921 F.2d at 24 ("the impact that an appeal will have on other cases is a factor that [courts of appeals] may take into account in deciding whether to accept an appeal that has been properly certified").

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[10] In addition to the cases discussed above, the same legal questions are currently pending before Judge Bernard Friedman in the Eastern District of Michigan in *Grutter v. Bollinger*, Case No. 97-75928, trial of which is expected to conclude next week. This Court has twice before consolidated interlocutory appeals from that case and the instant case, concluding that the same or similar issues were presented in both. *See Grutter v. Bollinger*, 188 F.3d 394 (6th Cir. 1999) (consolidating appeals regarding intervention); Order, Nos. 00-0107/0109, (6th Cir., Sept. 26, 2000) (consolidating petitions for review of class certification orders).

CONCLUSION

For the foregoing reasons, if Plaintiffs file a timely cross-petition for permission to appeal from the district court's January 30, 2001 Order, pursuant to 28 U.S.C. § 1292(b), and this Court grants that petition, this Court should also grant Defendants' Petition for Permission to Appeal.

Respectfully submitted,

/s/ John H. Pickering

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[Certificate of Service Omitted In Printing]

IN THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

JENNIFER GRATZ and PATRICK HAMACHER, for themselves and all others similarly situated,

Plaintiffs,

v.

LEE BOLLINGER JAMES R. DUDERSTADT; THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN,

Defendants,

and

EBONY PATTERSON; RUBEN MARTINEZ; LAURENT CRENSHAW; KARLA R. WILLIAMS; LARRY BROWN; TIFFANY HALL; KRISTEN M.J. HARRIS; MICHAEL SMITH; KHYLA CRAINE; NYAH CARMICHAEL; SHANNA DUBOSE; EBONY DAVIS; NICOLE BREWER; KARLA HARLIN; BRIAN HARRIS; KATRINA GIPSON; CANDICE B.N. REYNOLDS, by and through their parents or guardians; DENISE PATTERSON; MOISE MARTINEZ; LARRY CRENSHAW; HARRY J. WILLIAMS; PATRICIA SWAN-BROWN; KAREN A. McDONALD; LINDA A. HARRIS; DEANNA A. SMITH; ALICE

Temporary Case No. 01-102

PLAINTIFFS' CROSS-PETITION

BRENNAN; IVY RENE CHARMICHAEL; SARAH L. DUBOSE; INGER DAVIS; BARBARA DAWSON; ROY D. HARLIN; WYATT G. HARRIS; GEORGE C. GIPSON; SHAWN R. REYNOLDS; and CITIZENS FOR AFFIRMATIVE ACTION'S PRESERVATION,

Intervening Defendants.

Plaintiffs Jennifer Gratz and Patrick Hamacher, for themselves and on behalf of a class of other similarly situated applicants, submit this Cross-Petition to the Petition for Permission for Appeal filed by Defendants in this action.

Plaintiffs/Cross-Petitioners agree that this Court should exercise its discretion to consider this interlocutory appeal, although they specifically disagree with the extensive argumentation that Defendants chose to include in their Petition. By limiting their discussion to the issue now before the Court – whether to entertain this interlocutory appeal – Plaintiffs do not mean to acquiesce in or agree with the arguments on the merits included in Defendants' Petition.

The issues in this case are fairly straightforward: 1) is educational diversity a compelling state interest sufficient to justify race-based discrimination in admissions and, 2) if so, is the University of Michigan's admissions plan narrowly tailored to advance that interest. If this Court disagrees with the trial court on the first question, then the second question is moot, as liability is established. These are important questions, resolution of which will materially advance disposition of the case.

FACTS NECESSARY TO UNDERSTAND THE QUESTION PRESENTED

Procedural History

This requested discretionary appeal from the trial court's December 13, 2001, Summary Judgment Order is expressly authorized by the trial court in its January 30, 2001, Order certifying two issues for appeal pursuant to 28 U.S.C. § 1292(b). "Defendants"[1] have sought permission to appeal pursuant to that order, and the Plaintiffs agree that a discretionary appeal is appropriate.

Plaintiffs will also appeal the trial court's summary judgment order as a matter of right. This order denies injunctive relief to the plaintiffs, rendering it appealable as a matter of right pursuant to 28 U.S.C. § 1292(a)(1). Defendants, Petitioners here, have suggested that the order is not appealable as of right despite the clear language of the statute; discretionary review would be appropriate if the court were to take that view. Additionally, Judge Duggan entered an order dated February 9, 2001, certifying pursuant to FED. R. CIV. P. 54(b) that there was no just reason for delaying entry of judgment on the dismissals of Defendants Bollinger and Duderstadt. Plaintiffs will appeal the judgments subsequently entered by the clerk pursuant to these orders. Therefore, it is particularly important that the present discretionary appeal be allowed, in order (1) to economize the resources

[1] The Petition does not identify the specific parties seeking to appeal and uses a caption with the shorthand "et al." notation that does not identify them. Plaintiffs/Cross-Petitioners assume that all Defendants named as such in the trial court caption, the caption used in this pleading, seek to appeal.

of the parties and the court, and (2) to permit the appellate issues to be decided on their merits without complication by any appellate jurisdictional issues. By granting this appeal, this Court will have unquestionable and plenary jurisdiction over the issues now ripe for appellate review.

ARGUMENT

As the parties recognized in presenting a proposed certification order to the Court below, and as the Court below affirmed in signing it, the trial court's summary judgment order meets the requirements of 28 U.S.C. § 1292(b). That statute provides:

> When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals which would have jurisdiction of an appeal of such action may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order; *Provided, however*, That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order.

FED. R. APP. P. 5(a)(3) expressly authorizes the court to enter an order, as was done here, certifying an earlier order for appeal. The petitioning defendants made a

timely petition for leave to appeal under 28 U.S.C. § 1292(b) and FED. R. APP. P. 5, and this Cross-Petition is expressly authorized by FED. R. APP. P. 5(b)(2).

There are generally deemed to be three requirements for granting a discretionary appeal under 28 U.S.C. § 1292(b): that the appeal presents a controlling question of law, that there is substantial disagreement on the answer to that controlling question, and that an appeal materially advances the termination of the litigation. As noted below, the first and third of these requirements are closely related. Because the order denying Plaintiffs' motion for partial summary judgment meets these three requirements, discretionary appellate review is appropriate.

1. ***Controlling Question Of Law.*** The questions identified by the district court are "controlling" because they will invariably affect the outcome of the case, and reversal would save time and effort in the district court. 16 CHARLES ALAN WRIGHT, ARTHUR R. MILLER & EDWARD H. COOPER, FEDERAL PRACTICE AND PROCEDURE § 3930 (2d ed. 1996) ("the better view [is] that a question is controlling, even though its disposition might not lead to reversal on appeal, if interlocutory reversal might save time for the district court, and time and expense for the litigants"); *Kuehner v. Dickinson & Co.*, 84 F.3d 316, 319 (9th Cir. 1996) (issue need not be dispositive of entire case to be controlling; only necessary for significant lower court time and effort to be saved).

Judge Duggan's summary judgment order plainly rules upon "controlling questions" of law. Defendants' use of race in their admissions process is not remedial in nature. Therefore, unless "educational diversity" is a

"compelling governmental interest" sufficient to support the use of race in an admissions system, Defendants' admissions system violates the Constitution. Moreover, even if Defendants' purported interest in educational diversity does constitute a compelling governmental interest, which Plaintiffs contest, the extremely heavy weight placed on race by Defendants is unconstitutional unless it is narrowly tailored. Under these circumstances, proceeding with damages trials makes little sense because "controlling issues" of law remain unsettled.

2. *Substantial Grounds For Disagreement.* Whether "educational diversity" is a compelling governmental interest is a matter upon which courts have disagreed. *Compare* Trial Court Order and Opinion (Exs. A & B to Petition); *Smith v. University of Washington Law School*, 233 F.3d 1188 (9th Cir. 2000) *with Hopwood v. Texas*, 78 F.3d 932, 948 (5th Cir. 1996) (educational diversity not a compelling governmental interest); and *Johnson v. Board of Regents of the University System of Georgia*, 106 F. Supp. 2d 1362 (S.D. Ga. 2000). Other courts, without ruling on the issue, have recognized that the question is one upon which reasonable minds can disagree. *McNamara v. City of Chicago*, 138 F.3d 1219, 1222 (7th Cir. 1998) ("Whether [non-remedial] justifications are possible is unsettled"); *Wessmann v. Gittens*, 160 F.3d 790, 796 (1st Cir. 1998) (Court assumes *arguendo*, "but . . . do[es] not decide," that "some iterations of 'diversity' might be sufficiently compelling, in specific circumstances, to justify race-conscious actions").

Another fundamental issue to be resolved on this appeal relates to the trial court's decision that Defendants' admissions system for the years 1999 to the present was "narrowly tailored" to achieve what the trial court found to

be a compelling governmental interest in diversity. In reaching this result, the court erroneously failed to hold the University to its burden on this issue, or conduct the "searching" inquiry that strict scrutiny requires. This issue surrounding the burden of proof is important, and the trial court's erroneous ruling should be corrected before extensive further proceedings are undertaken.

The Supreme Court has repeatedly held that once a plaintiff establishes that governmental action was based on a suspect classification such as race, the government bears the burden of demonstrating that the classification is narrowly drawn to achieve a compelling government interest. *See, e.g., Miller v. Johnson*, 515 U.S. 900, 920 (1995) ("To satisfy strict scrutiny, the State must demonstrate that its districting legislation is narrowly tailored to achieve a compelling governmental interest."); *Bernal v. Fainter*, 467 U.S. 216, 227 (1984) ("To satisfy strict scrutiny, the State must show that [the challenged law] furthers a compelling state interest by the least restrictive means practically available."); *Plyler v. Doe*, 457 U.S. 202, 217 (1982) ("With respect to [suspect] classification, it is appropriate to enforce the mandate of equal protection by requiring the State to demonstrate that its classification is precisely tailored to serve a compelling governmental interest."); *University of California Regents v. Bakke*, 438 U.S. 265, 305 (1978) ("We have held that in order to justify the use of a suspect classification, a State must show that its purpose or interest is both constitutionally permissible and substantial, and that its use of the classification is necessary to the accomplishment of its purpose or the safeguarding of its interests."); *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 16-17 (1973) ("[S]trict scrutiny means that the State's system is not entitled to the usual presumption of

validity, that the State rather than the complainants must carry a 'heavy burden of justification,' that the State must demonstrate that its [radical classification] has been structured with 'precision,' and is 'tailored' narrowly to serve legitimate objectives and that it has selected the 'less drastic means' for effectuating its objectives.").

Here, after essentially weighing evidence and finding as a matter of fact – and whether the program is narrowly tailored inherently requires assessment of the facts – the trial court found that minor changes to the University of Michigan's program in 1999 rendered it narrowly tailored. Courts have readily found, however, that similar programs in which race is considered are not narrowly tailored. *See, e.g., Eisenberg v. Montgomery County Pub. Schs.*, 197 F.3d 123, 130-33 (4th Cir. 1999); *Tuttle v. Arlington County Sch. Bd.*, 195 F.3d 698, 705-07 (4th Cir. 1999); *Wessmann v. Gittens*, 160 F.3d 790, 796-800 (1st Cir. 1998). Granting a discretionary appeal in this case will help resolve these areas of disagreement – for these litigants and for others.

3. ***The Appeal May Materially Advance The Termination Of The Litigation.*** Resolution of the questions identified by the district court may materially advance the termination of the litigation. In the event that this Court concludes that the trial court erroneously answered the identified questions, then Defendants' admissions system will be held unconstitutional, sparing the court below from conducting multiple trials under an erroneous legal standard. This requirement is closely connected to the "controlling question" requirement previously discussed. *See P.I.R.G. v. Hercules, Inc.*, 830 F. Supp. 1549, 1557 (D.N.J. 1993) ("The requirement that an appeal may materially advance the ultimate termination of the litigation is closely tied to the requirement that the order involve a controlling question of

law"), *quoting* 16 WRIGHT & MILLER, FEDERAL PRACTICE AND PROCEDURE § 3930. Accordingly, for the same reasons (and by the same authorities) identified in that section, an appeal *may* materially advance the ultimate termination of the litigation. *See also, e.g., Yamaha Motor Corp. v. Calhoun*, 516 U.S. 199, 203 (1996) (question of whether state, rather than federal, law applied to plaintiff's claims was reviewable under § 1292(b), requiring reversal of trial court's partial summary judgment for defendant); *Winstar Corp. v. United States*, 64 F.3d 1531, 1534 (Fed. Cir. 1995) (grants of partial summary judgment for plaintiffs on their breach of contract claims, where reversal would require claims to be prosecuted under the different standards and potentially different remedies of the Takings Clause, properly appealed pursuant to Section 1292(b)), *aff'd*, 518 U.S. 839 (1996).

CONCLUSION

For all the reasons set forth above, Plaintiffs respectfully request that this Court grant the Cross-Petition for leave to appeal.

Dated: February 22, 2001.

Respectfully submitted,

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[Affidavit Of Service Omitted In Printing]

Supreme Court of the United States

No. 02-516

Jennifer Gratz and Patrick Hamacher,

Petitioners

v.

Lee Bollinger, et al.

ORDER ALLOWING CERTIORARI, Filed December 2, 2002.

The petition herein for a writ of certiorari before judgment to the United States Court of Appeals for the Sixth Circuit is granted limited to Question 1 presented by the petition.

December 2, 2002